THE SYNODICON
IN THE
WEST SYRIAN TRADITION

II

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THE SYNODICON IN THE WEST SYRIAN TRADITION

II

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PREFACE

The translation of the second part of the manuscript has been carried out in the same way as it was in the first part. However, with reference to linguistic matters, it must be said that this part is different due to the genre of materials. Furthermore, some of the documents because of syntax and vocabulary are quite difficult, and sometimes virtually obscure. This is the case particularly with the ancient laws whose formulations due to their strange terminology borrowed from the Byzantine legal usage were obviously not always understood by the scribes who copied and recopied these texts. In some texts, the linguistic physiognomy is strange due to grammatical as well as lexical idiosyncrasies in Syriac and the elements which mark the growing influence of the Arabic idiom.

In the preface of the volume on the text, it was said that the uniqueness of the documents presented, the novelty of the records and their historical importance made it necessary to put such records into historical perspective. That applies here, too. As a consequence, a different handling of these texts, namely, by providing more copious footnotes, became inevitable.

It is due solely to the support of the National Endowment for the Humanities that this work has been brought to its conclusion. I express my deepest gratitude for their assistance in the advancement of the frontiers of knowledge. Without this support, the work would still be at some distance from the hands of the readers. Thereby the National Endowment for the Humanities has placed the world of learning under tribute.

I am indebted to Professor W. Freitag who examined the English of my manuscript. As usual he has done this with an ever-ready kindness. I gladly express to him my warm gratitude.

July 15, 1975
on the 100th anniversary of
my father's birth

Arthur Vööbus

LIST OF ABBREVIATIONS

AB = *Analecta Bollandiana*. Bruxelles.

ʿAbdīšōʿ, *Catalogus librorum* = ʿAbdīšōʿ, *Catalogus librorum omnium ecclesiasticorum*, ed. J.S. Assemani, in: *Bibliotheca orientalis* III, 1.

ʿAbdīšōʿ, *Catalogus librorum* = ʿAbdīšōʿ, *Catalogus librorum omnium ecclesiasticorum*, ed. A. Vööbus, CSCO (in preparation).

AbhBAW = *Bayerische Akademie der Wissenschaften, Abhandlungen*. München.

AbhPAW = *Abhandlungen der Preussischen Akademie der Wissenschaften*. Berlin.

Abramowski, *Dionysius von Tellmahre* = Abramowski, R., *Dionysius von Tellmahre, jakobitischer Patriarch von 818-848. Zur Geschichte der Kirche unter dem Islam*, in: AbhKM XXV, 2, Leipzig 1940.

Acta martyrum = *Acta martyrum et sanctorum*, ed. P. Bedjan, I-VII. Parisiis 1890-97.

Amelli, «S. Giovanni Crisostomo anello provvidenziale» = Amelli, A.M., «San Giovanni Crisostomo anello provvidenziale tra Costantinopoli e Roma», in: Χρυσοστομικά: *Studi e ricerche intorno a S. Giovanni Crisostomo a cura del comitato per il XV° centenario della sua morte*. Roma 1908.

Anecdota syriaca = *Anecdota syriaca*, ed. I.P.N. Land, I-IV. Lugduni Batavorum 1862-75.

Armalet, *Catalogue* = Armalet, I., *Catalogue des manuscrits de Charfet*. Jounieh 1936.

Assemani, *Catalogus* = Assemani, S.E., et Assemani, J.S., *Bibliothecae Apostolicae Vaticanae codicum manuscriptorum catalogus*, II-III. Romae 1758-59.

Athanasius, *Apologia contra Arianos* = Athanasius, *Apologia contra Arianos*, ed. J.P. Migne, in: PG XXVI.

Assfalg, *Syrische Handschriften* = Assfalg, J., *Syrische Handschriften. Syrische, karšunische, christlich-palästinische, neusyrische und mandäische Handschriften*, in: VdOHD V. Wiesbaden 1963.

Bar Bahlūl, *Lexicon Syriacum* = *Lexicon Syriacum auctore Hassano Bar Bahlule*, ed. R. Duval, I-III. Paris 1901.

Baumstark, *Geschichte syr. Literatur* = Baumstark, A., *Geschichte der syrischen Literatur*. Bonn 1922.

Bar ʿEbrāyā, *Chronicon eccl.* = *Gregorii Barhebraei chronicon ecclesiasticum*, ed. J.B. Abbeloos et T.J. Lamy, I-III. Parisiis-Lovanii 1872-77.

Bar ʿEbrāyā, *Nomocanon* = *Gregorii Barhebraei Nomocanon*, ed. P. Bedjan. Parisiis 1898.

Baumstark, «Die literarischen Handschriften» = Baumstark, A., «Die literarischen Handschriften des jakobitischen Markusklosters in Jerusalem», in: OC II-III (1912-13).

Baumstark, «Liturgische Handschriften» = Baumstark, A., «Die liturgischen Handschriften des jakobitischen Markusklosters in Jerusalem», in: OC I-II (1911-12).

BELL, *Amida* = BELL, G. L., *Amida*, in BERCHEM, VAN M., *Amida*. Leipzig 1910.

BiblAHHC = *Bibliothèque archéologique et historique. Haut-Commissariat de la République Française en Syrie et au Liban*. Paris.

BiblByz = *Bibliothèque byzantine. Traité d'Études byzantines*. Paris.

BiblEHE = *Bibliothèque de l'École des Hautes Études. Sciences religieuses*. Paris.

BiblGA = *Bibliotheca geographorum arabicorum*. Lugduni Batavorum.

Bibliotheca orientalis = *Bibliotheca orientalis Clementino Vaticana in qua manuscriptos codicos syriacos recensuit* J. S. ASSEMANI, I-III. Romae 1719-28.

BROCKELMANN, *Lexicon Syriacum* = BROCKELMANN, C., *Lexicon Syriacum*. Halis Saxonum 1928.

BRUNS, see *Syrisch-römisches Rechtsbuch*.

ByZ = *Byzantinische Zeitschrift*. Leipzig-Berlin.

Catalogues of Syriac Manuscripts in Unknown Collections, see VÖÖBUS.

CH = *Church History*. Chicago.

CHARLES, *Le christianisme des arabes nomades* = CHARLES, H., *Le christianisme des arabes nomades sur le limes et dans le désert syro-mésopotamien aux alentours de l'hégire*, in: BiblEHE LII. Paris 1936.

Chronicon ad ann. 813 = *Fragmenta chronici anonymi auctoris ad annum Domini 813 pertinentia*, ed. E. W. BROOKS, *Chronica minora* III, in : CSCO, Syr. 5. Louvain 1904.

Chronicon ad ann. 819 = *Chronicon ad A.D. 819 pertinens*, ed. A. BARSAUM, in : CSCO, Syr. 36. Louvain 1920.

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Constitutiones apostolorum = *Didascalia et constitutiones apostolorum*, ed. F. X. FUNK, I-II. Paderbornae 1905.

CSCO = *Corpus Scriptorum Christianorum Orientalium*. Parisiis-Lovanii.

CSCOSub = *Corpus Scriptorum Christianorum Orientalium. Subsidia*. Lovanii.

DENḤĀ, *Histoire de Marouta* = *Histoire de Marouta, métropolitain de Tagrit et de tout l'Orient, écrite par son successeur Denḥā*, éd. par F. NAU, in: PO III, 1. Paris 1909.

DictHGE = *Dictionnaire d'histoire et de géographie ecclésiastique*. Paris.

Didascalia apostolorum = *Didascalia apostolorum syriace*, ed. P. A. DE LAGARDE. Lipsiae 1854.

Didascalia Apostolorum = *The Didascalia Apostolorum in Syriac*, ed. M. D. GIBSON, in : HS I. London 1903.

Didascalia Apostolorum in Syriac = *The Didascalia Apostolorum in Syriac*, ed. A. VÖÖBUS, in : CSCO (in preparation).

Doctrina Addaei = *The Doctrine of Addai*, ed. G. PHILLIPS. London 1876.

Documenta ad origines Monophys. illustrandas = *Documenta ad origines Monophysitarum illustrandas*, ed. J. B. CHABOT, in : CSCO, Syr. 37. Parisiis 1908.

DRAGUET, "*L'ordination frauduleuse*" = DRAGUET, R., "*Pièces de polémique antijulianiste 3 : L'ordination frauduleuse des Julianistes*", in : Mus XL (1927).

DU CANGE, *Glossarium* = DU CANGE, *Glossarium ad scriptores mediae et infimae graecitatis*, I-II. Lyon 1688.

Dussaud, *Topographie historique* = Dussaud, R., *Topographie historique de la Syrie antique et médiévale*, in : BiblAHHC IV. Paris 1927.
Duval, *Littérature syriaque* = Duval, R., *Littérature syriaque*. Paris 1907.

EdO = *Échos d'Orient*. Paris.
EI = *Enzyklopaedie des Islam. Geographisches, ethnographisches und biographisches Wörterbuch der muhammedanischen Völker*, hrsg. von M. Th. Houtsma u.a., I-IV. Leiden-Leipzig 1913-34.
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Herzfeld, *Historische Topographie* = Herzfeld, E., *Untersuchungen über die historische Topographie der Landschaften am Tigris, kleinen Zab und Ǧebel Hamrin*: Memnon I (1907).
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Honigmann, "*Studien zur Notitia Antiochena*" = Honigmann, E., "*Studien zur Notitia Antiochena*", in : ByZ XXV (1925).
HS = *Horae Semiticae*. London.

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Īšōʿ of Zuqnīn, *Chronicle* = *The Chronicle of Joshua the Stylite*, ed. W. Wright. Cambridge 1882.

Īšōʿdenaḥ, *Livre de la chasteté* = *Le livre de la chasteté, composé par Jésusdenah, évêque de Baçrah*, éd. J.B. Chabot, in: MélAH XVI. Paris-Rome 1891.

JA = *Journal asiatique*. Paris.

Jaʿōb of Serūg, *Homiliae selectae* = *Homiliae selectae Mar-Jacobi Sarugensis*, ed. P. Bedjan, I-V. Parisiis-Lipsiae 1905-10.

Jastrow, *Dictionary of the Targumim* = Jastrow, M., *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature*, I-II.

Jōḥannān of Ephesus, *Historia eccl.* = *Johannis Ephesini Historiae ecclesiasticae pars tertia*, ed. E.W. Brooks, in: CSCO, Syr. 54. Louvain 1935.

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Johannes Malalas, *Chronographia* = Johannes Malalas, *Chronographia*, ed. L. Dindorf. Bonnae 1831.

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Land, see *Anecdota syriaca*.

Lane, *An Arabic-English Lexicon* = Lane, E.W., *An Arabic-English Lexicon Derived from the Best and the Most Copious Eastern Sources*, I-II. London 1863-1874.

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Liber Calipharum = *Chronicon miscellaneum ad annum Domini 724 pertinens*, ed. E. W. BROOKS, *Chronica minora* II, in : CSCO, *Syr.* 3. Louvain 1904.

MARGOLIOUTH, *Supplement* = MARGOLIOUTH, J. P., *Supplement to the Thesaurus syriacus*. Oxford 1927.
MARKWART, *Südarmenien* = MARKWART, J., *Südarmenien und die Tigrisquellen nach griechischen und arabischen Geographen*, in: StAG IV. Wien 1930.
MelAH = *Mélanges d'archéologie et d'histoire. École Française de Rome.* Paris-Rome.
Ménologes syriaques = *Martyrologes et ménologes et ménologes orientaux*, éd. par F. NAU, in: PO X, 1. Paris 1911.
MĪKA'ĒL, *Chronique* = *Chronique de Michel le Syrien, patriarche jacobite d'Antioche 1166-1199*, I-IV, éd. J.-B. CHABOT. Paris 1899-1910.
MINGANA, *Catalogue* = MINGANA, A., *Catalogue of the Mingana Collection of Manuscripts*, I. Cambridge 1933.
Mus = *Le Muséon. Revue d'Études orientales.* Louvain.
MUSIL, *The Middle Euphrates* = MUSIL, A., *The Middle Euphrates. A Topographical Itinerary*, in: OExplSt III. New York 1927.

NAU, "*Les suffragants d'Antioche*" = NAU, F., "*Les suffragants d'Antioche*", in : ROC X. Paris.
NEMBN = *Notices et extraits des manuscrits de la Bibliothèque Nationale et autres bibliothèques.* Paris.

OC = *Oriens Christianus.* Leipzig-Wiesbaden.
OExplSt = *Oriental Explorations and Studies. American Geographical Society.* New York.

PAPADOPOULOS-KERAMEUS, see Ἑλληνικὸς φιλολογικὸς Σύλλογος.
PapETSE = *Papers of the Estonian Theological Society in Exile.* Stockholm.
PARRY, *Six Months in a Syrian Monastery* = PARRY, O. A., *Six Months in a Syrian Monastery.* London 1895.
PG = *Patrologiae cursus completus. Series graeca*, ed. J. P. MIGNE. Paris.
PL = *Patrologiae cursus completus. Series latina*, ed. J. P. MIGNE. Paris.
PO = *Patrologia orientalis*, ed. R. GRAFFIN et F. NAU. Paris.
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Ps. Dionysios, Chronicon eccl. = *Incerti auctoris chronicon Pseudo-Dionysianum vulgo dictum*, ed. J. B. CHABOT, in: CSCO, Syr. 43, Parisiis-Lovanii 1926-49.

Qudāma, *Kitāb al-Ḫarāǧ* = *Excerpta e Kitāb al-Kharâdj auctore Kodâma ibn Dja'far*, ed. M. J. Goeje, in: BiblGA VI. Lugduni Batavorum 1889.

Rabban Sliba, «Le martyrologe» = «Le martyrologe de Rabban Sliba», éd. P. Peeters, in: AB XXVII (1908).
Rahmani, *I fasti della chiesa patriarcale antiochena* = Rahmani, I. E., *I fasti della chiesa patriarcale antiochena*. Roma. 1920.
RechILOB = *Recherches publiées sous la direction de l'Institut de Lettres orientales de Beyrouth*. Beyrouth.
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Renaudot, *Historia patriarcharum Alexandrinorum* = Renaudot, E., *Historia patriarcharum Alexandrinorum Jacobitarum*. Parisiis 1713.
ROC = *Revue de l'Orient chrétien*. Paris.
RSO = *Rivista degli studi orientali*. Roma.

Šabušti, *Das Klosterbuch* = *Vom Klosterbuch des Šabušti*, übersetzt von E. Sachau, in: AbhPAW. Berlin 1919.
Sachau, see *Syrische Rechtsbücher*.
Sachau, *Zur Ausbreitung des Christentums* = Sachau, E., *Zur Ausbreitung des Christentums in Asien*, in: AbhPAW. Berlin 1919.
Sarre, *Archäologische Reise* = Sarre, F. und Herzfeld, E., *Archäologische Reise im Euphrat- und Tigrisgebiet*, I-IV. Berlin 1911-20.
SbAWM = *Sitzungsberiche der Akademie der Wissenschaften in München. Philologisch-Historische Klasse*. München.
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Severus, *Select Letters* = *The Sixth Book of the Select Letters of Severus, Patriarch of Antioch, in the Syriac Version of Athanasius of Nisibis*, ed. E. W. Brooks, I-II, in : TaTS. London 1902-04.
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VdOHD = *Verzeichnis der orientalischen Handschriften in Deutschland*. Wiesbaden.

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INTRODUCTION

* In the strength of Our Lord Jesus Christ we begin to write the * p. 1 book which contains all the new canons[1] of the later patriarchs—I mean (those) of Gīwargī[2], Qyriaqos[3], two cycles, and of Dionysios[4], of Jōḥannān[5], of Ignaṭios[6], and of all the laws[7], judgments[8], sentences[9] and heritages and the rest (of the administrative affairs) of the Greek kings[10], as well as of all the judgments[11], laws[12], sentences[13], heritages[14], (legislation regarding) liberation of the slaves[15], and of all the properties[16] and the rest (of the administrative affairs) by the Arab rulers under whose sentences[17] the believers act and whose laws[18] they accept.

Then (there follows) the reckoning of the years which began with Adam and the chronology of the kings and of the nations according to the (work) prepared by Eusebius of Caesarea[19], and all the administrations[20], these which are in the Old and New (Testament) and the other profitable orders[21] which the former teachers have made for men.

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[1] κανών.

[2] See page 2ff.

[3] See page 7ff., 19ff.

[4] See page 27ff.

[5] See page 37ff.

[6] See page 54ff.

[7] νόμος.

[8] ܘܕܝ̈ܢܐ

[9] ܘܦ̈ܘܣܩܢܐ

[10] See page 97ff., 106ff.

[11] ܕܝ̈ܢܐ.

[12] νόμος.

[13] ܘܦ̈ܘܣܩܢܐ

[14] ܘܝ̈ܪܬܘܬܐ, see page 68ff.

[15] See page 88ff.

[16] Or; purchases.

[17] ܦܘܣܩܢܐ

[18] νόμος.

[19] This chronological section has not survived in the manuscript.

[20] ܡܕܒ̈ܪܢܘܬܐ, also guidance, direction.

[21] Or: ranks.

[LIV]

THE CANONS OF PATRIARCH GĪWARGĪ

INTRODUCTORY LETTER

The blessed Mār Gīwargī[1], patriarch of Antioch[2] of Syria, and the holy bishops who were with him from all parts were gathered together in the church of the holy Mār Gīwargī, which is in the village of Kepharnabū[3] under the jurisdiction of Serūg[4] in the year 1096, according to the well-known reckoning of the Greeks in the month of 'Īyār[5], the twenty-second day of it, on the excellent and dominical feast of the Sunday of Pentecost.

According to His grace, principal and natural, by which even from the beginning He brought all things into the existence, God made use—according to Gregorius the Theologian—of the beauty (of order). In the unsafe sea and great abyss of His judgements, He thus is in power the overseer in that He keeps (control) and directs everything * p. 2 —we say (this) apostolically—because He wants continually * to bestow a good and comely warning upon His holy church which is everywhere under heaven; and (that) it shall indeed do and affirm (in life that which is) according to the ecclesiastical law[6] of the apostolic canon[7] of order[8]. Via the glowing of His divine spirit, He set in motion and brought from all parts in unanimity of soul and intelligence the holy ones, the holy god-bearing fathers, the leaders of the priests, the thrice blessed. These were Mār Gīwargī, patriarch of the see of the Apostle Peter, the head of the apostles and the holy bishops with him; these from various parts — I mean from the Orient and Occident, from north and south — were brought together and assembled in the village of Kepharnabū which is in the country of Serūg, deciding, determining, and confirming those things what are (recorded) below in the will of the Father, the Son, and the Holy Spirit. For they renewed and set up those (canons)[9] which purify and adorn the divine image and moreover the law which expels all corruption, i.e., (drives out) the feebleness of the minds of the many and the bad and the pernicious laziness[10] that has grown in this time[11]. By no means do we (by ourselves) introduce the renewal of the decisions but we have built and founded and affirmed those which we have fixed below in complete spiritual unanimity on structure and upon the apostolic foundation. This for the purpose of renouncing every lawlessness[12], but (even) more for (fostering) nearness and friendship with God through the observance and fulfillment of the divine, legislative, patristic and apostolic commandments[13]. These are written.

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[1] This Gīwargī was of Be'eltān and was educated in the Monastery of Qennešrē, *Chronicon ad ann. 813*, p. 245; later he was a cyncellus of Theodoros, bishop of Šemīšaṭ, MĪKA'ĒL, *Chronique* IV, p. 475; he has secured a certain reputation in the field of literary creation.

[2] He was elevated to the patriarchal office at the synod held in Mabbūg in 758; the convocation bypassed candidates of higher rank in electing him despite his rather low hierarchical rank of deacon; his rule lasted until 790.

[3] Not far from Baṭnān.

[4] Or Baṭnān.

[5] I.e. May 22, 785. Tradition has preserved little more than a few notes about the synod and these are not always correct. The synod did not take place in Serūg as reported by the *Chronicon ad ann. 819*, p. 20. However, we learn that the immediate reason for the convocation was the case of Jōḥannān, metropolitan of Tagrīt, a case that caused new difficulties by the rebellious prelate.

[6] νόμος

[7] κανών

[8] τάξις

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[9] A rememberance of the existence of 22 canons established by the synod emerges in a variant reading which appears in a supplementary note added to the reference regarding the literary work of Gīwargī in Ms. Vat. Syr. 166 which contains the Ecclesiastical History of Bar ʿEbrāyā.

[10] This refers to the difficulties and hardships which have darkened his rule starting with his election.

[11] After the adjournment of the election synod the bishops in the Eastern dioceses elected Jōḥannān, bishop of Qalliniqos and acknowledged him as a counter-patriarch; the stage was set for quarrels and vexations of many years duration. Upon the demise of the counter-patriarch, Dawid, bishop of Dārā, saw to it that the wounds in the body of the church would not begin to heal. New calamities were to follow.

[12] Rivalry brought new vexations upon the church; the intrigues intensified by Dawid's involvement, finally brought the quarrel into the hands of the state authorities. As a result, Gīwargī was put into prison by Caliph al-Mansūr and Dawid was made Gīwargī's successor in the patriarchal office, which resulted in new complications. Chaos reigned. This is illustrated in the terse but telling statement of one source: ܐܦܝܣ̈ܩܘܦܐ ܕܝܢ ܗܢܘܢ ܕܢܩܝܦܝܢ ܗܘܘ ܠܡܪܝ، ܓܝܘܪܓܝ. ܘܐܦ ܗܢܘܢ ܒܐܘܠܨܢܐ ܐܝܬܝܗܘܢ ܗܘܘ ܕܪܕܘܦܝܐ. ܘܟܕ ܠܒܝܫܝܢ ܐܝܬ ܐܟܡܝܬ، ܚܘܪ̈ܐ ܐܝܟ ܥ̈ܠܡܝܐ ܡܬܟܪܟܝܢ ܗܘܘ. ܡܢ ܩܪܝܐ ܠܩܪܝܐ, «but these bishops who adhered to Mār Gīwargī were also in tribulation because of the persecution, and being clothed in white like the laypeople, they travelled from village to village», MĪKAʾEL, *Chronique* IV, p. 477. Gīwargī was kept in prison 9 years until the death of Caliph al-Mansūr. The enthronement of al-Mahdī in 775 opened the prison gate.

[13] The synodical letter once existed as a separate tradition in Ms. Seert 69, XVI, SCHER, *Catalogue*, p. 53, but is now lost.

THE CANONS

Canon 1[14]. If a bishop throws away the ecclesiastical laws and canons, regards the ecclesiastical order as nothing, and dares arrogantly to pass over into the eparchy of another bishop there to establish *tūrgāmē*[15] and to undertake ordinations[16] or consecrate the myron[17] or absolve one of the excommunications of the (local) * p. 3 bishop, * his colleague, or to alter it—the holy synod has decided that the one who does things such as these shall be dismissed from the office of the bishop.

Canon 2. A presbyter or deacon who leaves his wife and takes another—the synod has ordered (this), that if he does not depart from the curse of God, he shall not serve in the priesthood.

Canon 3. A presbyter or a deacon whose wife dies and who (then) takes another—the synod has ordered that he shall not serve if he does not depart from the curse of God.

Canon 4. A presbyter or deacon who drives (his wife away) shall not serve in the priesthood, if he does not depart from the curse of God.

Canon 5. The presbyters or deacons who dance or sing or drink with the drunkards—the holy synod has decided that they shall not serve in the priesthood, if they do not depart from the curse of God.

Canon 6. If any of the Christians takes his *šaušbīntā*[18] (to wife)—the synod has ordered: if he be a presbyter or a deacon, he shall not serve in the priesthood; if, however, he is a layman he shall not enter the church at all.

Canon 7. A presbyter or deacon who takes a widow or one guilty of adultery or of fornication—the synod has ordered that he shall not serve in the priesthood at all.

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[14] Very seldom does a trace of the canons appear. One isolated canon has found a place of refuge upon the title page of a manuscript, namely Ms. Birm. Mingana Syr. 1, fol. 194b. In the light of the new document, we are enabled to recognize one canon in Bar ʿEbrāyā's codification work where it appears in a reduced form and is introduced under the name "Gīwargī". Only in the light of the original text can it be identified and recognized that it does not belong to Gīwargī, the bishop of the Arabs, whom Bar ʿEbrāyā introduces simply as "Gīwargī". Another isolated canon appears in Ms. Jerus. Mark 207, fol. 1a; cf. Vööbus, *Syrische Kanonessammlungen* I, 1, A, p. 12.

[15] ܬܘܪܓܡܐ interpretation, homily, preaching.

[16] χειροτονία.

[17] μύρον.

[18] ܫܘܫܒܝܢܬܐ a godparent, sponsor.

Canon 8. If any of the Christians shall take two sisters or the wife of his brother or the wife of his uncle[19] or the wife of his mother's brother or the daughter of the sister of his wife—the synod has ordered that they shall be excommunicated from the church and from the mysteries and from intercourse with Christians, as those (standing) under the curse of God until they shall have separated from one another.

Canon 9. If any of the Christians leaves his wife—without the cause of adultery or fornication, or takes another one—the synod has ordered that he shall be excommunicated from the church and from the mysteries and from intercourse with Christians; (this applies to) him and the other wife he had taken until he leaves the latter and takes back that other (wife) according to the law of God.

Canon 10. If any of the Christians betrothes and then abandons his betrothed * to look upon another or the betrothed one abandons her * p. 4 bridegroom to look upon another—the synod has ordered that they shall be excommunicated from the church of God; the same (shall be the case) with wives of men who abandon their husbands.

Canon 11. One who has lawfully been excommunicated by his bishop and who then goes to take refuge among pagans as someone who absolves the canon and annoys his bishop—the curse of God from the entire synod shall be upon him so that Christians shall not know him at all.

Presbyters or deacons who give the eucharist or baptism to the heretics shall be excommunicated from the church and the mysteries.

Canon 12. Christians who give their daughters to pagans or Moslems or Nestorians—if they are priests, they shall not serve in the priesthood. If they are laymen they are not allowed by God to enter the holy church and shall not participate in the holy mysteries.

Canon 13. The women who have become (wives) to pagans and Moslems—the holy synod has ordered that they shall not enter the church and shall not receive the eucharist.

Canon 14. Monks who leave the monasteries to take a wife and to live in the villages—it is not allowed (them) by God to employ the raiment or the cloak of monasticism or the garment[20] at all. Moreover, they shall not serve in the priesthood.

Canon 15. Monks and priests who carry bags[21] of the saints and travel around in the villages—we all have determined that they under the excommunication of God should not be received at all.

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[19] Namely on the father's side.

[20] σχῆμα.

[21] Namely bags of relics.

Canon 16. If somebody of those called Christians employs magic knots[22] or amulets[23] or witchcrafts[24] which are a snare for souls—the synod has ordered that they shall be excommunicated from the church of God.

Canon 17. The priests who give baptism except male to male and female to female, one to the one[25] and the other to the other[26], shall be excommunicated from the church of God.

Canon 18. The priests who give the myron to those who are sick, * p. 5 * whatever it (i.e., the illness) may be—they shall be excommunicated from the church of God.

Canon 19. If any of the abbots or *'esṭūnārē*[27] or *ḥebīšayē*[28] write letters of anathema to the towns and villages—we all have determined through the anathema and the curse of God that they shall not write letters of anathema.

Nor shall they consecrate the myron at all.

Canon 20. If any of the Christians dares to do <some> work of harvest or threshing or of givint help or receiving help on the day of this holy Sunday—the holy synod has determined by the anathema of the living Word of God that the one who does so shall not enter the holy church and shall not participate in the holy mysteries. And if any of the priests and deacons contend to give the offering to the excommunicated ones, he also shall be dismissed from his rank since he is under the anathema by us all as an insolent one and an aggressor against the apostolic canons. He who dares to transgress this our regulation—the wrath of the Lord shall be on him.

Canon 21. No one of the Christians is allowed to baptize his son in the temple of the heretics; if, however, it happens that one does so, he shall be excommunicated from the church of God and from the mysteries of the Christians, namely, the holy body and blood.

Canon 22. A deacon who is entangled in a second marriage or who takes a widow shall not become a presbyter at all.

So have I, Gīwargī, the patriarch, and the holy bishops who are with me, determined through the anathema of the Word of God that none of the bishops—those who are in subjection to our apostolic see of Antioch of Syria—are allowed to loosen or change anything in these canons which have been set up by us for correction, indeed, for the upbuilding of the believers; and whoever of the bishops shows that he transgresses one of these canons, he shall be expelled from his rank and shall become foreign to his see until he stands before the synod for judgment. These are the laws[29] and commandments which we have determined together in the assembly*—we all, the orthodox * p. 6 bishops[30] through the mediation of the blessed Mār Gīwargī, our patriarch—for you, the sons of the holy church, that those shall keep their godliness. However, if anyone dares (to do this) and transgresses these regulations which were set up by us for you, he shall give account to God on the day of judgment. We have set these up for the upbuilding of the church of all believers and we have ratified and determined (them) for your confirmation, o trustworthy believers, who come under this encyclical[31]. We seal it by the seal of the thrice blessed patriarch of the apostolic see of Antioch, the town of Syria where for the first time the name "Christian" was called[32].

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[22] Lit. tie, bandage.

[23] Or: charms, phylacteries.

[24] Lit. incantations, whispers of evil.

[25] In the feminine gender.

[26] In the feminine gender.

[27] στυλίτης.

[28] ܚܒܝܫܝ̈ܐ reclusi.

The canons of Gīwargī end (here)[33].

[LV]

THE CANONS OF PATRIARCH QYRIAQOS

Again the canons which the holy Qyriaqos[1], patriarch[2], set up and the synod of the holy bishops who were with him, assembled at Bēt

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[29] νόμος.

[30] ὀρθόδοξος.

[31] ἐγκύκλιον.

[32] Cf. Acts XI, 26.

[33] The same text appears in Ms. Mardin Orth. 323, fol. 1a-5a. A copy of this manuscript appears in Ms. Midyat Melki 11 which includes also other records which are extant in the abovementioned codex.

[1] Qyriaqos was from Tagrīt, a resident of the Monastery of Bizōnā or 'Esṭūnā near Qalliniqos; he was respected for his intellectual gifts and his life in holiness. His reputation also includes literary works; however, most of his literary creation has not survived the vicissitudes of history.

[2] He was elected at the synod which started on August 15, 793 A.D. in Ḥarrān, *Chronicon ad ann. 819*, p. 21. It was at the synod of Mōṣul that he died in August 817 A.D.; the day of his death is uncertain in the tradition.

Bātin[3], a village under the jurisdiction of Ḥarrān[4], in the year 1006 of the Greeks, in the month of Tešrī ḥrāi[5].

INTRODUCTORY LETTER

Qyriaqos who by the grace of God is patriarch of the apostolic see of the town of Antioch of Syria and the holy synod of the holy bishops who gathered together with him from all parts in Bēt Bātīn, a village of the believers, to the heartfelt beloved presbyters and deacons and all the holy clergy and the faithful people from whatever town and * p. 7 country in which they reside. Peace be with you * and praise from God our Father and our Lord Jesus Christ and the Holy Spirit.

When we inquire into the economy of God, my beloved ones, and look at the beginning of the creation, we find that with the first actuation[6] of the universe, legislation was also given to direct the divine harmony. And as creation has been brought from nothing to existence and has been constituted by the excellency of the order[7] of the laws[8] and the divine commandments, so that it would not be deprived of the propensity of the useful (faculties) in human minds. Therefore the Lord of the creation has set forth the law[9] to (this) creation about those plants which could be eaten and about those from which it must stay away[10]. Then because (the creation) deserted the law through the seductive counsel of the rebellious serpent[11], it destroyed the grace of immortality together with the abundance of delicious (fruit)[12] of which paradise was full. From that transgression of the commandment[13], it has been led on towards all kinds of evil.

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[3] Not far from Ḥarrān.

[4] At that time Ḥarrān was an episcopal see.

[5] In November 794 A.D. Information about the synod in the tradition is very scanty and rests upon inexact data. The data are sometimes in fact very dubious. Tradition knows that canons were set up by the synod but knowledge about the number is faulty. Our earliest source tells that 40 canons were established by the convocation at Bēt Bātin, *Chronicon ad ann. 813*, p. 250. The same appears in Mīka'ēl who speaks of the establishment of 40 canons regarding the reforms which the patriarch submitted to the synod, *Chronique* IV, p. 484. This has been repeated by Bar 'Ebrāyā, *Chronicon eccl.* I, col. 333. This, however, rests on a misunderstanding.

[6] Or: move; lit. throw.

[7] τάξις.

[8] νόμος.

[9] νόμος.

[10] Cf. Gen. II, 15ff.

[11] Cf. Gen. III, 1ff.

[12] Or: trees, plants.

[13] Gen. III, 6f.

Thereafter the written law[14] was given to it by the great Moses[15] that, through him, He might chastize the guilty ones and put those who anger God to the punishment they deserve.

And when even by this, the creation was (only) corrected a little, the Word of God who (emanates) everlastingly from the essence[16] of the Father dawned at the end of the times. He was born carnally from the holy Virgin, I say, (from) flesh, emanating with a reasonable and intelligent soul; and He became a man—because of us, human beings, those who preceded in sins and who were stained by the multiplicity of our lawlessness. He thus committed the laws and commandments[17] through the mediation of the blessed apostles[18] and through the hands of them, to the fathers and the managers of the holy church, those who during all the generations have been entrusted with the shepherding of the congregation of God, (to those) who successively have moved along up to our time in order that, by observing and accomplishing them, (the congregation) should receive abundance in this world and in the new world, * the delight of the sublime mysteries * p. 8 spiritually, on which it here (also) fares sumptuously and sensibly, a delight which none of the nations had received, or was prepared for its reception, except those who are named in the name of Christ.

And when we found that these laws and commandments had a long time since become obscure in the minds of the believers and have become as (a thing) unknown to them, we see that it is (for this reason that) various rebellions[19] and sufferings[20] of every kind have come upon us from foreign people. On that account we have been estranged from the relationship of the Father who is in heaven, whenever we trod underfoot the laws and commandments that had been set by

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[14] νόμος.

[15] Exod. XIX; Deut. V.

[16] οὐσία.

[17] The *Testamentum Domini N.J. Christi*, p. 22ff.

[18] See *The Synodicon*, vol. I, p. 9ff.

[19] His investiture into the patriarchal office plunged him immediately into continuous troubles. Very serious difficulties came from the people in ʼŪrhāi, whose disobedience he was not able to break. They refused to receive Bishop Zakaryā, and he was compelled to give him only some sections of the diocese. Only after his death could the diocese be united again, MĪKAʼĒL, *Chronique* IV, p. 484.

[20] He was trapped by the strife concerning the liturgical formula in the eucharistic celebration: «we break the heavenly bread». Whether it was a lack of circumspection or his self-confidence, or both, he put the quarrel about the very touchy liturgical formula which had given so many headaches to his predecessor on the agenda. He strictly forbade to employ it. He was met with resistance. This was so serious that he was compelled to accept a compromise with regard to its use.

Him. We, poor and sinners, thought—we, who were called though we are not worthy of the administration of the church—that there was nothing that would remove the anger of God from us, as well as the various sufferings by the barbarian nations, unless we took recourse to the divine laws. Therefore, we have altogether ordered and set up for you these (canons) which we have fixed below. If you observe them you will find eternal life through them.

THE CANONS

The first canon[21]. We all order jointly that a bishop or a priest is not allowed by God to offer two times in one day. Also that the (sacrifice) not be offered twice on the altar in one day. He who after this decree is found daring to do so shall be dismissed from his rank[22].

2. No one of the bishops has the authority to appoint anyone, a presbyter or deacon, from among those who move in from another place and come to his region, until a report[23] on them is made known to him from the bishop who had (until then) supervised them.

[21] We have at our disposal a collection of canons, preserved in Ms. Br. Mus. Add. 14, 493, fol. 160a-162a, a codex of the 10th cent. When we measure this collection against our new document we see it for what it really is. It does not present us with the full collection. It has been reduced in all its parts. The proem is left out, and the extent of the canons is reduced to 40. A clear sign of this is the numeration of the canons in this collection which goes only up to can. 32 but not to the remaining part in which the omissions are found. The compiler obviously hesitated to introduce a wrong numeration in a section where he omitted canons. That he has submitted the text to a redaction is shown by minor transpositions, replacements by preferred synomyms as well as by occasional additions. The signs of his literary taste are very clear. Can. 24 has suffered very severely, and only from the original source we can learn that this canon deals with fasting. Finally, the compiler has added a canon at the end which has no place in this collection at all but belongs to the other cycle of the canons where it is found as can. 14. This collection is therefore not the original as has been held but an epitome. By a different division of the canons and by rearrangement the cycle is brought up to 40 canons though 10 canons are missing, namely can. 33, 35-38, 40-41, 43-45. Mīka'ēl had in his hands not the original collection but this epitome which he used as the source for his information. So also Bar ʿEbrāyā. — The fate of these canons has not been lucky. One copyist who had knowledge of the 40 canons of this synod complains that he could not find them in the copy which he had at his disposal, Ms. Par. Syr. 62, fol. 285a. They had somehow been omitted from the codex. A manuscript that once contained the synodical letter of the canons, Ms. Seert 69, XVII, SCHER, *Catalogue*, p. 53, is lost. Furthermore, information about the existence of this collection of canons, see DUVAL, *Littérature syriaque*, p. 182, has been erroneous.

[22] τάξις.

[23] Lit. their deed.

Also none of those who leave the monastery shall be given the hand (of ordination) without a letter from their monastery and ratification, as to whether they are eligible or not.

* 3. A priest or a deacon has no authority to move from his country * p. 9 to another country in order to serve in it until the matter is made known to the bishop of his country and the latter acts regarding him as he deems proper.

4. We all have ordered jointly that the presbyters shall not be ordained before (the age of) thirty years except only in the case of urgency[24], (and then not more than) one year or two less than thirty. It is necessary that he will be attested, by everyone, as one of good and solid conduct.

In like manner also may a man of twenty years become a deacon unless there arises an urgent matter (in which case his age) may be one year or two less.

5. A presbyter or deacon who does not wear the tonsure and who is not clothed with a tunic is not allowed by God to ascend to the altar and to serve except only in emergency situations.

6. The presbyters who are young have no authority to be arrogant[25] toward those who are older than they but everyone of the presbyters shall offer according to his rank[26]. Likewise shall he sit and, according to his rank, talk. Each of them shall be distinguished on account of his ability by the bishop and the company of the priests.

In like manner also the deacons, each one of them in deference to the older shall offer according to his rank and be obedient to the presbyters who are above them, in all fear of God and reverence[27]. None of them shall dare to sit between two presbyters.

7. The priests have no authority from God to administer baptism except only male to male and female to female, only one to one[28] and the other to the other[29]; whoever dares to trespass (this canon) after this decree will be suspended from his service.

8. Priests who give out the myron[30] in whatever manner or of the water of baptism shall be dismissed from the priesthood. They also shall be dismissed if they profane the cup of holiness or the belts of the altar.

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[24] ἀνάγκη.

[25] Lit. proud.

[26] τάξις.

[27] Lit. modesty.

[28] Both are in the masculine gender.

[29] Both are in the feminine gender.

[30] μύρον.

* p. 10 * Likewise if a deacon shall do this, he shall be dismissed.

9. The presbyters and deacons who give baptism to the Nestorians or the Chalcedonians or the Julianists have no authority from God so to officiate as priests. (Also) the deacons (have no authority) so to serve.

10. The presbyter and deacon who is entangled in a second marriage or who takes a widow has no authority from God to officiate as a priest. Also no deacon (has authority) to serve; nor to ascend to the altar.

11. A presbyter or deacon who takes his *šaušbīntā*[31] to wife shall fall out from his rank. And if he is a layman, he shall be dismissed from the church.

12. A presbyter and deacon or anyone from the rest of the clergy who employs magic knots or amulets or goes to charmers or soothsayers or those who mutter incantations or write scraps of writing for fever or other sicknesses—these presbyters and deacons shall fall from their rank. In like manner if they are laymen and if women, they shall be dismissed from the church of God together with those who have employed these things.

13. A presbyter or deacon or any of the laymen has no authority to usurp the leadership of the holy church in the spiritual or physical[32] administration except he be called by the bishop with the consent of the whole body of priests.

14. Priests and deacons or laymen or women who go to the churches or the monasteries of the Nestorians, Chalcedonians or the Julianists and give there their gifts or their tithes or their vows or give them wives—these priests and deacons shall fall from their ranks. The laymen and women shall not enter the church and shall not participate in the holy mysteries.

15. A presbyter who raises his hand against his companion has no authority to officiate; he shall not be absolved from the *nezīrūtā*[33] for one month. If, however, he reviles, the regulation is twenty days.

* p. 11 * Also a deacon if he dares (to do so) and raises his hand against a presbyter shall be suspended from his service for three months in order to serve the *nezīrūtā*. But if he dares (to do so) and (raises his

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[31] ܫܘܫܒܝܢܬܐ godparent, sponsor.

[32] Lit. bodily.

[33] ܢܙܝܪܘܬܐ abstinence, continence, a period of imposed acts of ascetic practices as penalty.

hand) against a deacon, he shall come under the regulation of suspension for one month.

But if laymen revile the priests and the deacons—they shall be suspended from the eucharist and shall observe the *nezīrūtā* for one month.

16. If he who is called to become a *sāʿūrā*[34] dares to trespass the apostolic laws and the ecclesiastical canons and (also) if he takes a bride and bends the judgments and teaches others the same, he shall be dismissed and expelled from his honor.

17. An abbot who revolts against the bishop and organizes a party[35] against him and cuts off his name from the litany[36] has no authority from God to serve in the priesthood.

18. The abbots and those who are with them, the *'esṭūnārē*[37] and the *ḥebīšayē*[38], who dare to write letters of anathemas and deception[39] on behalf of the patriarch or the bishop to the towns and villages or who consecrate the myron—we have determined by our joint decision that they have no authority from God to do any of these things. If, however, they dare (to do so) and assail our canon, they have no authority from God to serve, so that their affair is to be made known to the bishop of the country.

19. Those who abandon the laws[40] of their monasteries and give the bribe for (obtaining) leadership—we all have determined through the dominical anathema that they shall not serve in the priesthood.

20. The monks, presbyters, deacons and laymen who carry bags[41] of the saints or in their name are travelling around in the countries and villages—we all have ordered jointly that they shall not be received. Also not those who carry forged letters instead of the (genuine) writing of the bishop of the country.

21. Monks who abandon the monasteries and take wives and dwell in houses or in villages or towns—we all have ordered jointly that they are * not allowed by God to usurp this garment[42] and the dress of the monks. * p. 12

22. For a presbyter or deacon or a male believer or a female believer

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[34] ܣܥܘܪܐ an overseer, visitor.

[35] κοινόν factious meeting.

[36] ܟܪܘܙܘܬܐ proclamation, bidding-prayer, litany, a commemoration of bishops, etc., recited during the divine service.

[37] στυλίτης.

[38] ܚܒܝ̈ܫܝܐ reclusi.

[39] Lit. error.

[40] νόμος.

[41] I.e. bags with relics.

[42] σχῆμα.

who is twenty years of age and above—it is not allowed to dissolve the fast of Wednesday and Friday, except only these fifty days of the Pentecost, with the exception of that one who is in sickness or suffering whatever it may be or under duress, or the woman who bears or gives milk to her baby.

23. The believers are not allowed to buy or to sell anything on the holy day of Sunday or on the dominical festival days, not even something insignificant.

And one shall not travel on the road unless he is at a place far from his residence or in the company of many or on urgent affairs, those which are under the force of the rulers or in other emergencies.

24. None of the believers of men or of the women has the authority to fast on Saturday and on Sunday except in the case of necessity—with the sole exception of "Saturday of the Gospel"[43].

25. He who abandons his bishop and takes recourse to worldly rulers, he is like that one who harms his companion in one of the ways—we have determined by the dominical anathema that he should not enter the church nor have intercourse with Christians.

26. He who dares to sell any of the land[44] or rightful belongings of the holy church or usurps it for himself or gives it away as presents—we all have determined that he shall have no intercourse with the Christians until he returns what he has usurped.

27. None of the worldlings has authority to speak among the priests about ecclesiastical affairs; if anyone has a judgment or a reason (for adjudication), this should be brought to the bishop of the town.

28. Nobody has the right to allow a stranger who does not observe the day of Sunday and the feast to stay in his house; there shall be
* p. 13 for him no participation * in giving and receiving, of the *zūzē*[45] or of the
dinars or of other business.

29. Every male believer or female believer who does not fast in the fast of the forty (days) shall be suspended from the reception of the holy mysteries; in like manner, he shall be suspended from the church and from the eucharist.

(So also) everyone who drinks wine or any kind of alcohol[46] from the (age of) twenty years and up.

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[43] The Sabbath of the Gospel, i.e. Easter Eve.

[44] ܫܟܪܬܐ, شكارة a field, garden plot.

[45] ܙܘ̈ܙܐ a coin equal to a Greek drachma.

[46] Lit. wine.

30. Concerning the collection which was collected—that deals with the vows to Mār Sargīs[47] of Reṣāfā[48]. The Diophysites have collected this and the believers have given their vows to them but to our church, which is in Reṣāfā, they have given nothing. We all jointly have set up the canon that believers are not allowed to give the *būrkātā*[49] and the vows to those who collect them except to our bishop who is in Ruṣāfā.

31. Because of God, woman is betrothed to man. We have set up that none of the believers has authority to betroth a woman except by the mediation of the priest.

The betrothal shall be thus: When the parents of the boy and those of the girl are gathered together in one place and when there is agreement between both, they shall send to that one so that they may hear from her mouth if she also agrees.

When they wish to make the betrothals, they shall go to the holy church and put the ring upon the door of the holy altar. When there are gathered also those who are brought near for the testimony and when the ring is being blessed upon the door of the altar, the priest takes it—a deacon being with him, and the parents of the boy and of the girl and those who were called for the testimony—and he gives the blessed ring into the hand of the girl in order that wives become betrothed through the holy church so that the divine tradition[50] which Christ[51] (gave) to His church[52] is accepted.

If, however, the girl has no parents, the one she accepts to be the one who gives her in betrothal, shall testify on her mouth[53] by two men * and they will give answer and they shall listen to her mouth until the ring is consecrated. Her betrothed shall not approach her and shall not see her. * p. 14

Whichever one of them abandons his companion after the betrothal shall be separated from the church and shall not participate in the divine mysteries; further, Christians shall not have intercourse with him until he returns to his companion.

32. He who betrothes a wife according to this canon, the one which

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[47] The most important church was dedicated to Sargīs who as martyr was widely celebrated.

[48] Known as Anastasiopolis or Sergiopolis.

[49] ܒܘܪܟܬܐ blessing, presents, particularly the breads blessed.

[50] Or: observance, rite.

[51] Cf. The *Constitutiones apost.* VI, XXVIII, p. 375ff.

[52] See *The Synodicon*, vol. I, p. 28.

[53] I.e. her open declaration.

is set forth in the preceding (ruling), and has conjugal intercourse with her before the wedding—we all have determined that the punishment to be imposed on him (is to be) as that of one who commits adultery.

Likewise also that one who takes a woman that has been betrothed to another man or who corrupts his companion.

33. Regarding the marriage dowry, we have set up that the highest limit shall be 1500 *zūzē*[54]. They cannot by God give or receive above which we have determined—those which are at this highest limit. However, they are permitted (to give) less provided both parties agree. The clothes and gold which she has will be reckoned as part of these *zūzē*. And the middle limit is 1000 *zūzē* and below when both parties agree.

A boy shall not betroth a woman until he rises to the stature of a man and a girl shall not be betrothed until she rises to the stature of a woman.

34. He who takes two wives at the same time, also he who abandons his wife except for the cause of fornication and takes another, he shall be rejected from intercourse with Christians and shall not enter the church of God and shall not participate in the divine mysteries until they return to the way of established marriage and take back their legal wives.

Likewise, a wife who abandons her husband shall be rejected; so (too) that one who took her. If, however, they separate, they shall stay without marriage—she from her first husband, for it is not possible to return lest the "earth on which they walk becomes polluted"[55] according to the word of the prophet.

* p. 15 35. He who takes two sisters or a wife who has been such * for two brothers or a man who takes the daughter of his brother or a daughter of his sister or a daughter of the brother of his wife or one who had become (a wife) to the son of the brother of her husband—these shall be excluded from participation in the divine mysteries; they shall not enter the church of God and Christians shall not mingle (with them) until they separate from one another.

36. He who takes his father's sister or his mother's sister or she who becomes a wife to the uncle on the father's side of her husband or of the maternal uncle (of him) or becomes (wife) to the maternal uncle

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[54] See note 45.

[55] Cf. Isa. XXIV, 5.

(of her) or to the brother of his father—these shall be excluded from the reception of the divine mysteries and from the holy church.

37. He who takes a wife who has a daughter from another man or a man who has a daughter and she receives a son, they do not have authority from God to marry one another because of the kinsmanship of the flesh, as custom that belongs to the pagans or Jews or heretics (allows)—he shall be excluded from the reception of the holy mysteries and from the church and those who gave her (in marriage) together with her.

38. The believing woman is not allowed to enter the church or to walk on the street unless her head is covered and enveloped with another cloak[56] above it.

39. The priests or the deacons have no authority to enter any house where there is moaning or wailings until the completion of one month. Not even to bring the eucharist to that one who is dying until the completion of the month. If someone dares to enter, he will be liable together with the masters of that house.

Also those who make lamentations over the dead one or over the grave.

40. Regarding the temples, we have determined that the presbyter who is appointed in whatever church is not allowed to open the door on Sunday and on the days of the dominical festivals in order to conduct in them the evening service or to offer the sacrifice; however the presbyters, deacons and the believers who are in the churches shall be gathered in one main[57] church, group by group.

41. Regarding the *bēt gazā*[58] of the church*—those who have been appointed as treasurers[59] shall not give anything out from their treasury without the bishop or one who fully represents his post together with the person who has been set apart by the priests. We, however, have determined: everything that comes to the church from income[60] shall be entered by those persons who have been set apart into a small registry[61] on the same day it comes in until that day on which inventory of the treasury is made and (then) is to be written into the great registry[62].

* p. 16

He of the treasurers who dares to proceed or to enter something without these persons who (hold) the authorization of the bishop shall be expelled from his place and shall not serve in the priesthood.

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[56] ܓܠܐ means also outer garment.

[57] καθολική.

[58] ܒܝܬ ܓܙ̈ܐ treasure chamber.

[59] ܓܙܒܪ̈ܐ.

[60] Lit. goods.

[61] γνῶσις.

[62] γνῶσις.

42. None of the laymen going to banquets or to agapes for the departed has authority from God to sit higher up than the priests and the deacons and to talk about their affairs or to support them against one another in quarrels or contentions.

43. A woman who is in the monthly course shall be suspended from the eucharist only until the end of her hemorrhage but she may enter the church together with the believers and shall pray because she is not deprived of the Holy Spirit who is (given) in baptism.

But she who gives birth shall not be suspended from the eucharist at all.

44. When the women go to a burial, they do not have the authority to catch up with one another but they shall go covertly[63] on the road as the law of God prescribes.

45. Those who possess a document[64] on some man for payment (of a debt) and there remains something small (to be paid), it shall be torn asunder and they shall write (a new one) for that which remains—because death is a thief and a man shall not (put his) trust in his life. One who dares (to do this) and takes a document on something that is not his has no authority to enter the church and shall not absolve the *nezīrūtā*.

46. He upon whom the anathema of the church has been issued has no authority to enter the church. If he dares (to do this) and
* p. 17 transgresses it or * approaches the worldly authorities, we have adjudged and decreed that he also shall not participate in the holy mysteries.

Likewise also he who has been cast out by the bishop and the judges of the town or upon whom a sentence has been put by them and who dares (nevertheless) to trespass the sentence of their anathema, he will have this punishment marked on him—Christians shall not mingle with him. When someone in his audacity treads underfoot the anathema and enters the church, the presbyters of the church and the deacons have no authority to serve in the priesthood until they throw out that one who dares (to do so)—if they recognize him[65].

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[63] Or: in a low voice.

[64] ܓܪܡܛܝܣ, γραμματεῖον, a legal document, a writ.

[65] The same text appears in Ms. Mardin Orth. 323, fol. 5b-14b.

[LVI]

THE CANONS OF PATRIARCH QYRIAQOS

The canons which were established by the holy Qyriaqos[1], the patriarch, and by the bishops who were gathered with him in the town of Ḥarrān in the year 1124[2].

The first canon[3]. Regarding subdeacons[4] we have determined that they shall not be less than ten years of age. And this (only) if they manage (to recite) all the Psalms of David completely.

2. When the subdeacons are brought to ordination, we have ordered that the first ones are to be those who by even a little bit of stature surpass the others, the years of their age not being requested on account of the quarrel which ensues. But a seat shall not be kept for them at the altar until they are made worthy of the order of the diaconate and (only) then shall they receive a seat having first been consecrated into the diaconate.

3. It is not allowed subdeacons to give (the sign of) peace to the altar after that one time at their ordination, until * they are found worthy of the diaconate; for they are not deacons of the altar nor shall they take the sacrifice from the altar. * p. 18

4. It is not allowed moreover that deacons be consecrated at (an age of) less than twenty years. When they reach their twentieth year, they shall receive both the ordination[5] and the seat. They also shall abide in the subdiaconate, by comparison with those who were presented at ten years of age, for one or two years up to seven years.

5. These who of equal stature are brought together to the subdiaconate when they reach the twentieth year shall be prepared to

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[1] About this Qyriaqos, see page 7.

[2] I.e. in the year 812/3 A.D. This event is one about which our sources fail to inform us. The oldest source at our disposal breaks off just the year before the synod, *Chronicon ad ann. 813*, p. 260. Mīka'ēl does not have any information about this synod, and his report about this period is very thin, *Chronique* IV, p. 493ff. The anonymous chronicle reveals the same gap in the information, *Chronicon ad ann. 1234*, II, p. 9f.

[3] Rich and valuable is the material in this new document won for research. It is material which is entirely new. The concluding canon in the epitome of the other cycle in Ms. Br. Mus. Add. 14, 493, fol. 162a is taken from this cycle, namely can. 14. What has been preserved in Bar ʿEbrāyā's codification work is very little and pertains to some regulations regarding the subdeacons, the archdeacon and the nuns in reduced and reshaped form, *Nomocanon* VII, 8; VII, 6 and VII, 10.

[4] ὑποδιάκονος.

[5] χειροτονία.

receive the ordination of the diaconate, each of them as he was first appointed in the subdiaconate, so also is he ordered to be first in the diaconate.

6. Those of twenty years of age who come to be presented to the diaconate (and) who previously were not consecrated subdeacons and did not serve in it—ordination to the diaconate shall not be bestowed upon them before they first shall have received the subdiaconate and served three years in it, and after the service of three years they shall be presented to the ordination of the diaconate.

And if they are the only ones to be ordained[6], they will be ranged after those who have been previously consecrated to the diaconate. If, however, (they are ordained) with those who previously served in the subdiaconate before them and were then aged of twenty years when they were consecrated to the diaconate, they will be ranged in order after those who previously served, even if they surpass them in number of years, (namely) those who previously were assigned to the consecration of the diaconate.

Those, however, who served previously in the subdiaconate and at the time of the consecration of deacons of twenty-three years had not reached twenty years, shall be ranged in order, when arrived and consecrated to the diaconate, after those of twenty-three years.

We have determined that those who will be brought to this priestly
* p. 19 order[7] * after the establishment of these canons must obey these canons which we have set up. But those who have previously been consecrated shall be ranged according to the order[8] which they held before these canons.

In order (to avoid) quarrels among those who together attain the age of twenty years which is the time of consecration into the diaconate—if anyone of them be found to have been seized by sickness or if he be on a journey which hinders him from being present[9] (then) when he rises from his sickness or returns from his journey, if he be consecrated within the interval[10] of one year his rank shall be given to him (as to) those of his age who were consecrated earlier. But if one year elapses, he will be assigned after them.

7. The presbyter shall be consecrated from the men of thirty years and above. If, however, at the time of the consecration there

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[6] χειροτονηθείς.

[7] τάξις.

[8] τάξις.

[9] Or: prepared.

[10] Lit. at the completion.

shall be others among them who are older in the diaconate and who, though there is no cause to hinder them from the presbyterate, shall be hindered by their own will—if they are consecrated later on, their rank will be assigned after those who were previously consecrated.

But if one of them shall have an urgent[12] reason (on account of) sickness or of imprisonment or of the distance of the journey or that he is not yet married, he remains ready to receive (consecration) and become a presbyter. For him, his place must be kept until the completion of one year.

8. We have determined according to what is kept in all the catholic[13] churches that the administration of those (things) which concern the altar shall belong to the archdeacon[14]. If he is absent, his substitute[15] shall have the administration.

As for the catholic (liturgical) proclamation[16], which is second (in order), we have determined that except for the dominical feasts, the presence of the patriarch or bishop and the weeks of the fast, it belongs to the archdeacon.

The *katordinos*[17] will be (proper) for all deacons as well as the reading of the Apostolos.

* 9. We have determined, however, that the presbyters and deacons shall be divided equally for the "weeks"[18] and accordingly that it shall be so arranged. He who rebels and does not accept the week with his companions, has no authority to perform his service and not even to step to the altar until he accepts (his assignment) and accomplishes it, being present (as required). * p. 20

10. Again we have determined that all the *šabtāyē*[19] of every week shall sleep in the church during the night. They shall fulfill their careful service according to the order[20] and shall keep custody of the holy church. He who rebels and refuses to sleep during his week in the church has no authority to enter the church not even to perform his service.

Also he shall not loosen the *nezīrūtā*[21] but shall exist only on bread

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[11] Lit. long after.

[12] ἀνάγκη.

[13] καθολική.

[14] ἀρχιδιάκονος.

[15] δεύτερος.

[16] ܟܪܘܙܘܬܐ proclamation, bidding-prayer, litany.

[17] κατόρδινες secundum ordinem.

[18] I.e. for a weekly service.

[19] ܫܒܬܝ̈ܐ hebdomadaries.

[20] τάξις.

[21] ܢܙܝܪܘܬܐ abstinence, a period of imposed acts of ascetic practices as penalty.

and water during all the days of his week unless he is sick or in prison or because of the distance of a journey.

11. All the clerics[22] during the time of the offerings of the sacrifice and the services, so we have determined, are not allowed to abandon the beaty of order and to create adverse confusion nor (to cause it) by conversation with one another.

12. A presbyter who reviles a presbyter, with cause, shall not have the authority to dissolve the *nezīrūtā*[23] or to serve or to tread before the altar (for all) the days of the month. If, however, he raises his hand against him to beat him, he shall be suspended from service for five months and from treading before the altar together with the *nezīrūtā* of one month. If, however, the one who was reviled and smitten shall return (in kind) that which he suffered and thus does not keep the judgment of the church, he (also) shall observe the *nezīrūtā* and suspension from service, (namely) one-half of that (judgment) which was laid on the one who first assaulted him.

If, however, a presbyter reviles a deacon, he shall be suspended from his service for twenty days together with the *nezīrūtā*. If he also stretched out his hand against him, he shall be suspended from his service for two months together with the *nezīrūtā* of one month.

If the deacon in turn shall return revilings or beatings to the presbyter, he shall be suspended on an equal basis from the service
* p. 21 and altar together * with the *nezīrūtā*, according to what has been determined for the presbyter in his attack on him.

13. A deacon who dares to raise his hand against the presbyter has no authority to serve a service for the days of a year nor to dissolve the *nezīrūtā*[24] for forty days—he shall be suspended.

The presbyter, however, who in turn shall return (in kind) to the deacon shall be suspended from his service for three months together with the *nezīrūtā* of one month.

But the presbyter who in turn shall return (in kind) shall be suspended from his service for twenty days together with the *nezīrūtā* for ten days.

If, however, a deacon raises his hand in beating a deacon, he has no authority from God to serve or to tread before the altar for six months together with the *nezīrūtā* for forty days. And if he shall throw out railings against him, he shall be suspended from service for one month and also keep the *nezīrūtā*.

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[22] κληρικός.

[23] See note 21.

[24] See note 21.

If, however, that one who was smitten or reviled in turn shall return (in kind) to him who assaulted him first, he shall receive (the sentence), that is to say punishment, about half of that determined for the one who assaulted him.

14. If Satan moves confusion[25] between two clergymen and a layman shall enter unlawfully between them and shall raise the hand against one of them beating or reviling him so that he helps to cause a quarrel, he has no authority to enter the church and participate in the divine mysteries for three months nor to loosen the *nezīrūtā* for one month.

If any of the clerics shall seek help among worldly authorities in those affairs by which they have become agitated among themselves regarding the altar and the church, despising the sentence of the holy church, he has no authority to serve or to approach the altar for three months together with the *nezīrūtā* for one month.

Under the same decision shall be placed that one who makes a factious meeting[26] and tears asunder the altar and hinders[27] the service or the sacrifice.

* 15. When a quarrel is stirred up between clergymen at the time of the offering of the sacrifice or of the service[28], the archdeacon[29] * p. 22

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[25] This statement reflects something of the dark background. The beginnings of the rule of Qyriaqos with its ominously dark shadows, see page 9f., were merely a foretaste of what was to come. His entire rule was an extremely unhappy one filled with endless troubles and entanglements. The ecclesiastical horizon was most forbidding. The dogmatic issues brought painful plagues upon the church. The quarrels with Chalcedonians, caused by the activities of Theodorikos Pyglā, brought enough trouble. These disturbances were aggravated by contentions and strifes evoked by the attempted union with the Julianists. Prospects for a definitive elimination of the separation were destroyed by the revolt of the hostilely minded bishops. Indeed, the agitation took on such dimensions that all possible accomodations on the part of the patriarch fell victim to the poisoned atmosphere whipped up by the raging passions of opposing bishops.

[26] κοινόν also a party.

[27] Lit. causes to cease.

[28] This conjures up the quarrels on a liturgical formula which went its own way, finding new nourishment and stirring up the people in such a way that the church was torn asunder. The last words of the Bishop Bakkōs on the deathbed illustrates the situation graphically: ܕܠܝܬ ܡܕܡ ܕܡܟܐܒ ܠܢܦܫܝ. ܐܠܐ ܕܗܢܐ ܡܫܟܬܠܢ ܗܘ ܗܢܐ ܓܒܪܘܢܐ ܟܠ ܐܬܪܐ ܦܣܩ ܠܗ ܠܬܪܬܝܢ ܪ̈ܫܘܬܐ ܘܦܠܓܐ ܠܥܕܬ ܡܠܐ ܕܠܡܫܚܐ ܥܒܝܢܐ «nothing troubles my soul, except only that this little man

shall refrain from their punishment until the completion of the eucharist or the service and then dismiss the congregation.

If, however, through their audacity, he cannot separate them through censure, he shall expel those who caused the quarrel from the company of their brothers. "What indeed does not anger God is salvaged from blame"[30].

16. The performance of the dominical feast is (the duty) of the archdeacon[31]. If he wishes to give of his honor to another, he shall give it in orderly[32] (fashion) for the sake of peace.

If the archdeacon gives the litany[33] (or reading of the) book or something else to some of the deacons, that deacon has no authority to delegate this to another if he does not (expressly) say so, but shall return it to the archdeacon and the archdeacon may appoint whom he wants.

When the archdeacon is present, he alone shall order and give the lesson. And when he is not present, his substitute[34] alone shall fill his place.

The deacons, however, who have been commanded by the archdeacon once, twice, and thrice, do not receive (the order) from him or show that their refusal is without blame and not liable—if they do not (receive it), they will be suspended from service until they are persuaded and obey the archdeacon.

17. Again the deacons, when they stay at the time of the presentation of the offering in the holy of holiest, except in the case of urgency have no authority to stay in the holy of holiest—unless they shall change and shall ascend to the altar or shall go to stand among the crowd in the church.

A cleric who does not give the (sign of) peace to his colleagues or departs at the time of the giving of the peace or goes over to the men
* p. 23 because of wrath * and does not give the peace to them, he has no authority to serve and shall not loosen the *nezīrūtā*[35] until he abandons his folly and regrets this before them[36].

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from Garmai, who rules over the country, has cut it into two parts, and has expelled the formula 'heavenly bread'», MIKA'EL, *Chronique* IV, p. 487. His last will was not to abandon the liturgical formula, and to accept no bishop, no other than that coming from the Monastery of Gubbā Barrāyā, *Chronicon ad ann. 813*, p. 255.

[29] ἀρχιδιάκονος.

[30] Quotation?

[31] ἀρχιδιάκονος.

[32] κατόρδινες, secundum ordinem.

[33] See note 16.

[34] δεύτερος.

[35] See note 21.

[36] Lit. to his face.

Furthermore, regarding the library[37] of the church, we have determined that it shall be in the hands of the archdeacon[38] of the church when he is present. But when he is away, he shall entrust it to someone whom he trusts. He has no authority to give the reading of what is entrusted to him if he is not his substitute[39].

It is not allowed anyone of the clerics to interfere with the week[40] of his companion, to offer or to do something other than these (affairs) which are (of the) *šabtāyā*[41] except it be permitted him by the *šabtāyē*. Whoever dares to do this has no authority to serve and to loosen the *nezīrūtā* for one month.

18. A presbyter or deacon who anathematizes himself has no authority to serve and tread before the altar for the days of a year. He shall not loosen the *nezīrūtā*[42] for fifty days.

19. A presbyter or a deacon who on Wednesday and on Friday does not include the prayer "Our Father who art in heaven" in the offering is not allowed to loosen the *nezīrūtā* on that day.

In like manner also the leaders of the choirs if they do not follow closely the beginnings of the (chants) in the (service) and if there is no cause of necessity[43] upon any one of them.

20. No one is allowed to receive the *zūzē*[44] of the clerics except only the *šabtāyā*[45] or the *rab baitā*[46]. He who despises and trespasses this decision is not allowed to serve and shall not loosen the *nezīrūtā*[47] until he returns that which he has taken and likewise any other of his things.

Likewise also a secular if he dares to do this.

21. A presbyter or deacon who omits a funeral procession of a stranger[48] has no authority to receive the honorarium from the funeral company (for a funeral) that (comes next) after it, one which is not for a foreigner. Everyone who does not join the funeral procession of the deceased outside the gate of the dead in the proximity of the gate is not allowed to receive the honorarium from that procession[49].

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[37] ܒܒܠܝܘܬܐܩܝ βιβλιοθήκη.

[38] ἀρχιδιάκονος.

[39] δεύτερος.

[40] I.e. the week of an hebdomadary.

[41] Hebdomadary.

[42] See note 21.

[43] ἀνάγκη.

[44] A coin equal to a Greek drachma.

[45] Hebdomadary.

[46] ܪܒ ܒܝܬܐ steward.

[47] See note 21.

[48] ξένος.

[49] At the end of the canons designed for the discipline of the clergy it is necessary to mention some facts in order to understand why the ecclesiastical order had had

22. I have (set down) after the (above) also these regarding the * p. 24 garment[50] * of the nuns and concerning the order[51] of their convents—they are below.

As we entered this your Christ-loving town and found in it (those) of the order[52] of the women clothed in the garment[53] of monasticism yet in an unfitting way of life and not beautiful for the order[54] of monasticism, deprived of the correction and the salvation of their lives—we have determined also these things which are (recorded) below: By the anathema of the awful word of God that binds heaven and earth, a nun is not allowed by God to enter a bathhouse[55] nor wash her body in water.

23. It is not allowed by God for a nun to clothe in garments of cotton or of something else except only the dress of wool.

24. It is not allowed by God for a nun to walk on the streets or to circulate among the houses or to eat bread outside the convent in which she lives.

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to suffer so seriously. It is necessary to take the crisis into account, which shook the structure of the church. A furnace of affliction was ignited in the diocese of Gubbā. Its development had consequences which no one could foresee. It started with the dismissal of Bishop Bakkōs. The refusal of the patriarch to consecrate ʾAksenāyā, opened the strife which spread quickly becoming a general insurrection, MĪKAʾĒL, *Chronique* IV, p. 487. When grave accusations were brought against him before Ḥarūn ar-Rašīd, a decree of vengeance was issued by him: ܢܦܩ ܦܘܩܕܢܐ ܕܢܣܬܚܦܢ ܥܕܬܐ ܕܐܬܪܐ ܕܬܓܪܐ ܘܟܠ ܥܕܬܐ ܚܕܬܐ «an edict came out, to destroy the churches in the country of Tagrā, and every new church», MĪKAʾĒL, *Chronique* IV, p. 489. We have a report of grave consequences that followed in 807 A.D., *ibid.* IV, p. 489f. The church was thrown into a deep inner crisis which struck at the very foundations of its existence. A hastily summoned synod could not bring the course of the affairs to a halt, since its communication led to setting up of a schismatic patriarch Abraham, a monk of the Monastery of Qartāmīn, who became «a thorn in flesh of the church», *ibid.*, IV, p. 492. The chaos reached the depth. The cup of all these vexations was not yet full. Another strife flared up in the territory of the maphrian. Its prehistory with Šemʿōn was troublesome enough, but Qyriaqos' consecration of Basilios of Bālād was a complete faux pas in laying hopes upon a man with such dubious qualifications. The extent of all these vexations is evident. That under these struggles, strifes, quarrels and contentions the ecclesiastical order had to suffer severely is self evident. We must trust the reports that the activities and propaganda of the rival parties took place at the expense of ecclesiastical discipline and the church discipline among the congregations and the standards among the clergy were weakened, MĪKAʾĒL, *Chronique* IV, p. 495. The inevitable sequel was a general laxity which certainly must have affected also that part of the fold which had remained loyal to the patriarch.

[50] σχῆμα.

[51] τάξις.

[52] τάγμα.

[53] σχῆμα.

[54] τάξις.

[55] βαλανεῖον.

Also men shall not enter to them at all except only a presbyter and a deacon to give them the eucharist.

25. Again by the anathema of the power of God we are determining: these nuns shall be gathered together and shall dwell in common together, the entire convent where they are.

One old one shall be set apart from them to be the overseer[56] before them serving them in all that is needed for them. She is (to supply) them (every) necessity outside the convent.

26. A woman[57] is not allowed by God to let the hair of her head grow but shall cut as it is worthy of the garment[58] of monasticism.

The canons of Qyriaqos the patriarch end (here)[59].

* [LVII] * p. 25

THE CANONS OF PATRIARCH DIONYSIOS

The canons of the holy Dionysios[1], the patriarch[2] of Antioch[3] of Syria and of the synod which was gathered with him in the town of Qalliniqos[4] in the year 1129[5] according to the Greeks in the month of *Tešrī qadīm*[6].

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[56] The term used here is ܩܝܡܐ constitution, stability, post.

[57] The omitted word « nun » has been added and inserted beneath the line.

[58] σχῆμα.

[59] The same text appears in Ms. Mardin Orth. 323, fol. 14b-20b.

[1] The author of this document is one of the most eminent figures ever to have occupied the patriarchal throne at Antioch. He was a monk of Tell Maḥrē, of the Monastery of Jōḥannān bar Aphtonyā then living in the Monastery of Jaʿqōb of Kaišūm after his home monastery had become victim of the ravaging of the rebels of Naṣr. This personage so unusual in many respects, possessed in addition to his skill and abilities in ecclesiastical leadership eminent literary gifts. He has secured a place for his name in the history of annalistic literature. His two part historical work is one of the most important monuments in Syrian historiography. It is to be regretted that his work has survived only in a fragment in Ms. Vat. Syr. 144, fol. 144ab but some of it is accessible in the sections which Mīka'ēl and an anonymous chronicle (*Chronicon ad ann. 1234*) have incorporated in their works. Owing to his accomplishments, he has been acclaimed as the Syrian Herodotus or as the Syrian Thucydides. About the life and work of this prelate, see ABRAMOWSKI, *Dionysius von Tellmahre*, p. 1 ff.

[2] Between the lines is added: Telmaḥrāyā.

[3] About the election synod which elevated him into the patriarchal office in June 818 A.D. at Qalliniqos, we are informed by a section of the synodical acts, MIKA'ĒL, *Chronique* IV, p. 502, 504. His rule ended with his death on August 22, 845 A.D.

INTRODUCTORY LETTER

To the sons of the heavenly God and brothers and heirs of Christ, fellow members of the Holy Spirit through whom (you have been called) unto eternal life and to the uncorruptible heritage, wherefore you have gladly put the neck of your mind under the yoke of the evangelical[7] commandments; to the shining and purifying orders[8] of the glorious company of priests, deacons, and the rest of the holy clergy[9] and the faithful people which in every town and in every country are fulfilling (their) temporary pilgrimage,—Dionysios who is, by divine grace, the patriarch of the apostolic see of Antioch, the town of God, and this holy and peaceful synod in the victorious and God-loving town of the people of Qalliniqos through Christ who is our peace, who are gathered all of one and the same mind and so made that we can say we desire the same thing, not only the dignity of sitting together (but the fellowship) of His adorable Father and the Holy Spirit. May peace ever abound in your souls with the good hope of the redemption.

Therefore in order to examine the violation and the rise of ruination[10] in the holy church we were gathered, my beloved ones, for spreading and supplying the concord for its believing crowds and to join the members which have been detached[11] from its honorable body whose head is Christ, which by him is framed and linked together conveniently and aptly, fastening and joining and setting firmly[12] everyone in good * order in the proper places. (In all this) we have * p. 26 worked with all the necessary patience and endurance to practice and fulfill these (canons) by acts. However, it is known that our weakness is sustained by the divine grace so that it is not we but rather the divine grace which directs (the actions) through our hands because it is not always the hand but the work which acts as well as the peace and the sustenance of the holy churches. For this reason we are confident even though we believe that we are unuseful men and poor[13] and in this time without order—so confused, even more than in all times[14], as we adjudge it. The rebellion[15] has increased and the disobedience[16]. In it the love of many has diminished according to the evangelical word[17] and we all have grown cold, so to speak, of the divine love, and the fire that Christ has thrown into the world[18] is nearly extinguished, i.e., the faith and the fervor of the spirit.

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[4] Raqqā.

[5] I.e. in October 817 A.D.

[6] This is a date which causes problems. An examination of the evidence leads to the possibility that the dates in our sources represent an attempt to furnish the synodical acts, whose precise time of origin was no longer known, with a date. About these literary critical problems, see VÖÖBUS, *Syrische Kanonessammlungen* I, 1, A, p. 46f.

[7] εὐαγγελικός.

[8] τάξις.

[9] κλῆρος.

[10] The heritage which Dionysios took over made it very difficult to heal the torn body of the church. Endeavors to heal these wounds were manifest already at the election synod. One decision adopted by the convocation achieved the salutary effect upon the sentiments of the monastic community of Gūbbā Barrāyā. The full release of the eucharistic formula, forbidding to make it an object of strife, deprived the bellicose monks of much of their ammunition. Cf. MIKA'ĒL, *Chronique* IV, p. 500ff.

[11] The schismatic patriarch saw to it that the initial outlook for success in his efforts to heal the wounds was forfeited.

We have been entrusted with the guidance[19] of the holy church. We have, indeed, with us and among us the One who did not falsely assure His apostles and said: "I am with you until the consummation of the world"[20], and: "If two of you shall agree on any matter and shall ask, it will be given to them from my Father who is in heaven"[21]. And again: "Where two and three are gathered in my name, there I am among them"[22]. Therefore, through Him are we strengthened and envigorated because we become one with Him and subdue every revolting citadel and every height which is raised against the knowledge of God and we make captive every hearing and thought for Christ whose strength is completed in our weakness[23] and whose wisdom prevails in our madness and in our feebleness. He grows and extends and becomes resplendent in the minds of the believers like the grain of mustard extended and grew towards the greatness of a tree salutary for the birds of the sky[24]. The kingdom of heaven is to be understood like the spiritual and evangelical grain.

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[12] Cf. Ephes. IV, 16.

[13] Or: vile.

[14] It is with unhappy memories that Dionysios begins his own account of his activities as the patriarch. His first undertaking was to visit the opposition monasteries. His hopes did not materialize. They were in fact disappointing, MIKA'ĒL, *Chronique* IV, p. 504.

[15] The counter-patriarch continued to cause troubles. The drastic resolution he imposed on his followers, not to bury him before the election of his successor who will carry on the struggle prolonged the enmity, MIKA'ĒL, *Chronique*, IV, p. 503.

[16] New troubles awaited him in the wings which exploded later. The aspiring maphrian of the East not only entangled Dionysios in additional trials but also involved the church in a catastrophe; this was caused by Basilios, maphrian of Tagrīt, a quarrelsome and powerhungry man.

[17] Cf. Matth. XXIV, 12.

[18] Cf. Luke XII, 49.

[19] Lit. steering, κυβερνήτης.

[20] Matth. XXVIII, 20.

[21] Matth. XVIII, 19.

[22] Matth. XVIII, 20.

[23] II Cor. XII, 9ff.

Therefore, my beloved ones, these (canons) of the giving[25] of the
law must not be understood as (stemming) from us. For we are com-
* p. 27 panions and members by nature although in Christ * God has ordered
unto us this role which is very high. And we add very heavy and
difficult matters, those which we have set up distinctly but which are
from Christ our Lord who even up to now is speaking to you by means
of us and says clearly: "Everyone who hears you hears me and every-
one who rejects you rejects me, and who rejects me rejects Him who
sent me"[26].

Obey[27], therefore, my beloved ones, and receive these (canons) which appear proper to us all—through the activity of the Holy Spirit—as some corrections which are useful at this time. For it is lawful and very laudable and transmitted to us from ancient times that whenever the holy bishops of every town or country are gathered together, a profit shall be bestowed through them upon the entire body of the church by the various corrections and by the care of the giving[28] of the law of God and the good traditions which are wisely commanded according to the variation of the circumstances of the times.

Also because of the difficulty of the present time and the trouble and the confusion, nearly everyone has corrupted his way on earth; further, because of this sort of thing it is rather suitable that we say that we have been despised and delivered up and oppressed and struck. All our excellent doings and our venerable things, by which we have been brought towards God have become (a motive) for our shame and humiliation. As the divine psalmist (says): "All the day long our shame has covered us"[29] because we have been held in contempt by that through which we have been honored. We know that He, who granted us His strength is devising (this) continually for our profit.

Let us amend ourselves, our beloved ones, considering as wise men the causes of evil which have come upon us and the troubles and the various and manifold afflictions; let us return, everyone of us, from * his bad way so that by this we may attract unto us the mercy of God * p. 28 who because of this strikes and chastizes in order to heal and win.

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[24] Cf. Matth. XIII, 31 f.

[25] Lit. authorship.

[26] Luke X, 16.

[27] πεῖσαι.

[28] Lit. authorship.

[29] Cf. Ps. XLIV, 15.

And in order not to fatigue you by a prolonged discourse on these things—(though) the admonition on these things was fitting, indeed, (needed) due to the rigidity of the neck and the contempt of the people who nearly all have been (thus) because of the laxity of the present time and because they have conversed with those outside and have been carried off and have been corrupted and deceived—we bring forward (canons), particularly (on matters of) necessity by chosen words to demonstrate manifestly the reprehensibleness of us all. But as Christ, whom you already have known, speaks with you by means of our worthlessness, be patient to hear the word so that His words shall not condemn you and judge you according to what, in that place, the Lord says: "The word that he has heard itself shall adjudge for him"[30].

To Him be the glory and to His Father and to His Holy Spirit.

THE CANONS

The first canon[31]. None of the bishops, ignoring these (canons) that have authoritatively and in every perfect order been determined by the Holy Spirit through the divine apostles and the holy fathers and have been decreed distinctly and accurately, shall assail or dare to do anything in those (matters which) belong to a town or place or eparchy of another bishop; neither may they confer the priesthood or anything of the order[32] of the clergy or consecrate the myron[33] or preach to the people or interfere[34] in a lawsuit of the people who have been condemned by the bishop of the place or (even if) not yet condemned or (interfere) in any troubles which (have occurred) in a place or admit any people who have been punished.

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[30] John XII, 48.

[31] Our new source is a very rare document. That which once existed in Ms. Seert 69, XVIII, is lost. Faint traces, few in number, can be found elsewhere. In only two places does Bar ʿEbrāyā bring forward two canons which are introduced vaguely from a «Patriarch Dionysios», namely can. 5 and 12 in *Nomocanon* II, 3 and VII, 10. It seems that he drew these from an indirect source, because other important canons in the collection are not included into his work of codification. Furthermore, both are severely reshaped — almost beyond recovery.

[32] τάξις.

[33] μύρον.

[34] Lit. carrying himself into.

He who dares (to do so) and inverts this good order, this holy synod has determined that he shall fall under the rebuke of the canons and will be (considered) foreign and shall be rejected from his order.

* p. 29 * 2. None of the bishops is permitted to consider or to do anything of the kind of thing that is foreign to those (canons) concerning second marriages which have been determined by this holy synod, i.e., the presbyters and the deacons who have become entangled in two marriages or who take a widow or an abandoned wife—they have no permission from God to use their familiar orders[35].

Similarly (in the case of) a presbyter who takes a wife after ordination into the priesthood.

Whoever of the bishops dares (to do so) after this synod and transgresses in something like this, this holy synod has determined that that bishop shall not serve.

3. If a bishop due to the emergency of the time and to coercion that is unavoidable shall settle down for a short (time) in another town because he frequently has no place in which to shelter himself, he shall not dare to do anything without the will and permission of the bishop of the place. And while he dwells thusly he has no permission to (exercise) any of all the sorts of functions of leadership of the priesthood if the bishop of the place does not allow him.

4. If a presbyter or a deacon or a believing man or a believing woman under excommunication by the bishop for transgression of the law, whatever it may be, has recourse to the secular rulers or to some other (person) from a foreign tribe, those who are outside the fold of the church, or to a man of the dignitaries[36] of the Christians so that the bishop is pressed by any one of all these actions[37] and by the intercession of these various persons, to loosen the law[38] of God and the excommunication that has been legitimately imposed or, should he not do so, (to risk) having enemies and adversaries against him—he who dares anything like this so that he transgresses, this holy synod has determined that he shall be excluded totally from * p. 30 mingling with Christians * and from participation in the holy mysteries and from the exchange of greeting and receiving with the believers.

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[35] τάξις.

[36] Lit. rulers.

[37] Lit. manners.

[38] νόμος.

And even if the bishop having been compelled by force, whatever it may be, has pardoned this, we have all thus determined that the Son of God will not pardon him neither in this world nor in the future one, (for he is) as one who has become a traitor to the piety and the law of the Christians.

5. If one of those upon whom the honorable and adorable name of Christ has been invoked, insolently despises the venerable and honorable customs of the Christians, abandons the spirit and desires the flesh in the worldly (realm), i.e., the pagan and the Jewish, and practices circumcision of the body that has been abolished by Christ, he shall stay as one rejected and foreign from all mingling with Christians, as one who has renewed the pagan and Jewish customs and has turned from the spirit to the flesh. For hear the great Paul who says: "Behold, I, Paul, say if you circumcise yourselves, then Christ is of no benefit to you"[39]. For what shall he suffer, where shall he go and what part shall he have in the church who does not profit from the Christ? He falls from the grace of the adoption of the sons[40] which is from Him; and (so also) if he brings the sign of Judaism and prepares himself for apostasy when he is compelled on the moment, or in the doing of this (act) for impure and ephemeral profits. Therefore we have strongly condemned this sin and have so determined by this awful and dominical word of God.

6. If a believing man or a believing woman burns with lascivious desire towards those (institutions) which are called secular marriages, he really commits the abominable impurity of adultery. And (so also) if he despises the pure law of Christ[41] for this reason or takes two women together or repudiates his legitimate one and lewdly and bestially introduces another instead of her or keeps one openly and the other secretly and covertly or takes a concubine or a maidservant with his wife or falsifies the pure marriage given by God * through this secret adultery using guile to hide it for shame before the great eye of God as before the weak eyes of men. And if a believing woman (also) commits one of these things, she must be foreign to the communion of the adorable mysteries and to intercourse with the believers. * p. 31

7. If one dares to attack those (regulations given) by God such as the good order[42] of the sacerdotal canons which belongs to the

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[39] Gal. V, 2.

[40] Rom. VIII, 15ff.

[41] Matth. V, 31f.

[42] τάξις.

bishop, who takes over some (part of the) ecclesiastical administration by any and all means, who by striving for those things that are spiritual even by attacking (them) in order to submit them to his passions for impure profits whatever the reason, and who reserves for himself some function and the keeping of command in the church of God or who seizes some temple or a martyry or a monastery from those which have been set apart to God or who takes the bones of the saints and assumes the administration of them or who manages the produce that the believers offer in discernment and who contends with the bishop for similar things, claiming that he has the power to manage a church or a martyry or a temple in contempt of the dignity and the order of the church—he shall be rejected and (considered) foreign to the holy church.

8. No one of the holy clerics of the sacerdotal church shall dare to show without (due) order (things) which are (dignified) and reverent in this order attacking what is strongly decided, i.e., forbidden by the apostolic and divine canons and as a rule (of life) by the holy fathers; (the more so) if he persists in gluttony and in intoxication and for this reason despises dignity and (moreover) gives a bad example to the believers as a rule (of life) and causes—on this account—the great and adorable name to be blasphemed for which he shall also receive the punishment of the sons of Eli as well as for such illegality in these (affairs)[43].

But the remainder reserved to God shall be divided equally among all the clergy according to that which the prescription of the ecclesiastical canons orders.

9. None of the bishops shall dare to attack—in order to transgress
* p. 32 it-the good order that the divine apostles in the Holy Spirit * have seen to be (proper) and to which the holy fathers have cleaved and which they have confirmed by various canons. We say therefore: every bishop who gives the laying on of the hand to one who is not of his flock and who does not stay in the place assigned to him, or who when any of the monks or seculars comes to him from different countries or places, gives him the ordination of the priesthood (just) like that, freely and without examination, or who receives those who wander around and pretend of themselves to be bishops or presbyters

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[43] I Sam. IV, 11; cf. II, 12ff. The last part of the canon which follows must be a portion of another canon misplaced here.

or deacons without exact knowledge or an adequate examination, he shall fall out of the order of the episcopate; and his deposition[44] shall become necessary according to that which the divine canons have ordered so that these things may be watched with all observance and good order that no one shall of himself do (something) without (good) order.

10. If now one of the bishops due to the coercion of these rebellious times being tormented by the enemies of the faith or by some believers and by the impudence of those in whom they have taken recourse, shall give the laying on of hand to some people without examination and without the order, we command that such a laying on of hands shall be invalid and remain empty of all grace and the operation of the Spirit; indeed, it is illegal—against all ecclesiastical order and the divine canons.

11. This holy and divine synod has heard that some people have been carried away and become captive to their illicit desires and become an adversary of the ecclesiastical canons according to their own passions—beyond that which is the right disposition for making a party[45], that is to say, an agreement of oath for troubles confirming (same) by their signature and holy covenants such as these.

For this reason, the holy synod has decreed that everyone who shall dare to do anything like this whether it shall happen to the patriarch or a bishop or a cleric or an abbot*—anyone of those who have been entrusted with the ecclesiastical administration—even, indeed, if he is a bishop, he shall receive the canonical rebuke from the synod by invoking against him the punishment that seems proper according to the power of the ecclesiastical canons.

* p. 33

If he has been worthy of the order of the priests and the deacons, he shall fall out from his rank and shall become foreign to his service. If he is in the order of the seculars, he shall be suspended from the communion of the adorable mysteries and shall be separated from the church of God because these things are contrary to the Lord who said: "Who does not gather with me scatters"[46]. He is peace and has showed this to everyone—He prefers the divergence in the piety as over against the passionate agreement, an assembly (in concord) over against the evil—(this even) if he is commendable[47] in thinking well as one of the holy fathers has determined[48].

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[44] καθαίρεσις.

[45] κοινόν, factious meeting.

[46] Matth. XII, 30.

12. Then, when the holy synod considered the condition[49] of this time when many monks out of necessity of circumstances which have occurred have left their holy habitations to stay in monasteries and convents which are generally far from towns and who had taken care and applied themselves to dwell in the mountains and the deserts and in thought far from the world, these actions[50] have settled them (in an honorable way). But it has not been seen that they have been obliged because of the compulsion of the time to dwell in the monasteries around the towns and even in the towns themselves and in the villages whether because of the trouble and compulsion of the time and (yet) neither has the excommunication of the Lord been applied to them.

Because it was very helpful for them to live alone and to be absolutely away from the world, therefore we all have determined authoritatively that no one absolutely can dwell in one of the places in the town or in the country of the bishop without his will and his permission. And those who are worthy to live like that and are free of suspicion must
* p. 34 be seen * not to interfere with anything in interior (matters) but have regard only for the bishops.

Whoever is seized in a thing like this by the testimony of two persons only, this holy synod has determined that he shall definitely be removed and expelled because he had shown himself insolent and a disturber who despises the venerable habit[51] of monasticism which he wears.

The canons of the holy patriarch Dionysios end (here)[52].

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[47] κλέω.

[48] Here Dionysios obviously makes a reference to a statement made by Gregorius of Nazianz: κρείσσων γὰρ ἐμπαθοῦς ὁμονοίας ἡ ὑπὲρ εὐσεβείας διάστασις, *Oratio VI, prima de pace* PG XXXV, col. 736. The works of Gregorius were translated into Syriac very early, see Vööbus, *Studies in the History of the Gospel Text in Syriac*, p. 94, 190f. In 624 A.D. an abbot Paulos, being in exile in Cyprus, prepared an extensive translation of the works of Gregorius in two volumes which included also this particular writing, as preserved in Ms. Br. Mus. Add. 12, 153, fol. 40b-48a; Add. 14, 457, fol. 59b-68a; and Add. 14, 548, fol. 49a-56b. However, translation of his works was undertaken much earlier, since there are manuscripts which are earlier than the age of Paulos. About the manuscript evidence which goes back to the 6th or 7th cent., see Vööbus, *op. cit.*, p. 190f. The earliest witnesses to the textual traditions in Syriac can be supplemented by a new discovery in Ms. Mardin Orth. 129 which belongs to the 7th or 8th cent.

[49] κατάστασις.

[50] Lit. things.

[51] σχῆμα.

[52] The same text appears in Ms. Mardin Orth. 323, fol. 23a-30a.

[LVIII]

THE CANONS OF PATRIARCH JŌḤANNĀN

Then the canons composed by the blessed Mār Jōḥannān[1], patriarch of Antioch[2] of Syria, and by the holy synod that gathered at his election in the Monastery of the holy Mār Šīlā[3] in the year 1158, in the month of *Tešrī ḥrāi*[4].

INTRODUCTORY LETTER

Jōḥannān, by the unfathomable judgments of the Lord, patriarch of the apostolic see of Antioch of Syria and the holy bishops with him, those who came to his election and consecration and who were gathered together in the Monastery of the holy Mār Šīlā in the country of Serūg; to the sons of the holy church in every place and town, to the presbyters, deacons and all the people who love Christ. Grace be with you and peace from God our Father and from our Lord Jesus Christ and His living and Holy Spirit, the life-producing[5], forever. Amen.

God who is good and kind[6], taking care of His creation, my beloved ones, by His solicitude and His diligence for His people Israel has set up the law[7] * and determined the commandments[8] through the chiefs of the fathers and the prophets for their correction and their discipline. To those who kept themselves carefully, God the author of the law and the giver of the commandments did good and kept them and saved them and delivered them from fighting enemies and by delighting them by abundant means and tranquil peace, preserving them; but when they[9] were obscured by negligence and attack, * p. 35

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[1] Information about Jōḥannān is almost nil. Of his origin and person, nothing is known except that he came from the Monastery of Mar Zakkai near Qalliniqos.

[2] He was elected to the office in the year 846 A.D. His rule was rather lengthy — Jōḥannān III died December 3, 873 A.D. in Rēšʿainā.

[3] A monastery with reputation.

[4] I.e. in November 846 A.D. The annalistic tradition has kept a remembrance of this convocation. It also furnishes us the exact day of the election, namely November 21, MIKAʾĒL, *Chronique* IV, p. 547, repeated in other chronicles.

[5] Lit. working.

[6] Lit. sweet.

[7] νόμος.

[8] Deut. V, 6ff.

[9] I.e. commandments.

despised and tread upon, they were afflicted and tormented by temptations, chastisements and buffetings of all kinds. But God by His goodness and His enduring amity through the prophets and seers, has each time gradually been renewing the composition of His laws for their correction and salvation. He has attentively been exhorting and warning them regarding the observation of His commandments in order that they, through observation of them, should find perpetual peace and salvation from the evils and detriments. In this way as we, the wretched ones[10], saw and perceived that the apostolic canons and the divine laws have been neglected and despised, so to speak by everyone, those that have been decreed and ordered by the elect apostles for the correction and salvation of the soul and the body, and afterwards (renewed) by the holy fathers, and that for this reason the afflictions[11] and the rebellions[12] have increased on this our generation, it has appeared to us that it would be better and expedient to enlighten, clarify and renew the precept[13] that has been omitted and obscured by negligence and the evil of the natural disposition of many.

We are aware[14] that what we attempt to say or renew or determine is not something new or strange, but that which has pleased the holy fathers and which has been determined and ordered by the various canons. However, we have not arranged and written them all in this place, although there is a very great need for them, in order to avoid prolixity and also because they are clear, known, obvious and written and many have them. We, therefore, have turned mainly to those (canons) that are more useful in the circumstances[15] of this present time in order that being observed by us and you * carefully, God may * p. 36 preserve us and His church from all damages and temptations and evils, rather than from the war of the known and sensible enemies by His grace and His abundant mercy forever and ever.

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[10] Lit. our fewness.

[11] He inherited the difficulties from his predecessor Dionysios Tell Maḥrē, see page 27ff., which continued to trouble him. One source tries to satisfy us with a sweeping summary estimate: ܘܫܡܫ ܫ̈ܢܝܐ ܟܙ ܒܫܠܡܘܬܐ ܟܕ ܠܝܬ ܠܗ ܥܘܩܐ ܐܘ ܦܓܥܐ ܒܝܫܐ «he served 27 years in peace, for there was for him no obstacle or evil event», *Chronicon ad ann. 1234*, II, p. 274. This remark must evidently be understood to mean that no external vexation or threat from the outside rose. Internally, however, his period was by no means as peaceful as the chronicler wishes us to believe. We would hear more of these difficulties were we in possession of appropriate sources. But Mīka'ēl has nothing to report except the dry number of bishops ordained by him during his reign. We face an open gap. Bar 'Ebrāyā fills it out with a report about the catastrophe of Amīd. An anonymous chronicle does the same using for this gap a report about Mōšē bar Kēphā whom Jōḥannān III elevated to the episcopacy.

[12] Inherited difficulties developed soon into serious conflicts. His vexations were caused by Basilios, the maphrian of the East, a former stylite with the name La'zar of Bēt Bātin whom he himself soon after his election had oppointed. This quarrel was brought before the Caliph Mutawakkil, BAR 'EBRĀYĀ, *Chronicon eccl.* III, col. 195, 197. Furthermore, disobedience was rendered him not only by the maphrian but also by those within his own surrounding. Also these difficulties continued to grow. Such antagonistic sentiments could by no means have been irrevelant, since some quarters did not consider the outlook of establishing a counter-patriarch not quite hopeless, BAR 'EBRĀYĀ, *Chronicon eccl.* III, col. 203.

[13] Lit. word.

[14] Lit. knowing.

THE CANONS

(Canon) 1[16]. Because we have seen certain ones of the bishops despise their own dioceses[17], abandon them on account of their smallness or poverty or for the sake of their (own) rest and comfortableness or perhaps (because) they are scheming for that which is still larger, so that the diocese for which they had previously been consecrated has therefore become contemptible. These transgressions have increased and perversions (have occurred) many times; so it has pleased this holy synod (to determine) that whoever of the bishops abandons his diocese except for persecution is not allowed to serve the episcopacy in any way (whatever) until he returns to the diocese which was set apart to him by God.

But evidently those bishops who have abandoned the lands of the Persians over which they were consecrated—if one abandons his diocese and despises it (and comes) and settles down in Syria in his monastery or in another place, we all have determined through the anathema of the word of God that he is not be allowed to serve in anything pertaining to the leadership of the priesthood and shall not give the laying on of hands or shall not circulate in places and towns and arrange collections. He, however, who despises this regulation—we all have adjudged that he shall be entirely foreign to the order[18] of the priesthood.

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[15] κατάστασις.

[16] The tradition has preserved nothing of the existence of the canons, established by his election synod. The sources are completely silent about them. The collection of canons which once existed in Ms. Seert 69, XIX, cf. SCHER, *Catalogue*, p. 54, is lost. No vestige of the canons on church administration, the regulations for the sacerdotal office and church discipline has survived in any of the sources. In the light of this new document we see that the cycle of one and a half dozen resolutions of liturgical nature, BAR 'EBRĀYĀ, *Nomocanon* II, 2, p. 17ff., which has absorbed 4 of the synodical canons in reduced and reshaped form, namely can. 10, 21, 22 and 26, *Nomocanon* IV, 1; II, 2; VI, 2; and III, 1, must go back to legislation enacted under him upon a different occasion.

[17] Or: flocks.

2. Because of the men who in ignorance and lack of faith despise the admonition of the apostolic canons—these which order that no presbyter or deacon shall be received and permitted to carry out priestly functions and serve without the letter of commendation[19]
* p. 37 or the information regarding his person * and the true indications which are clear and known—who freely and at random permit without distinction everyone who presents himself with the pretense that he is a presbyter or deacon to celebrate and serve, for which reason, it has happened to him that they were not made priests or perhaps were not consecrated at all, and afterwards, were under suspension or were from the gentiles and not even Christians. Therefore, we have determined by the dominical anathema from this day on and henceforth, that no one is to be allowed to permit one of these who in one way or another come without the letter of the bishop or the testimony of trusted and trustworthy men who demonstrate and testify that they are presbyters and deacons and are not suspended.

But he who dares (to do so) and despises and allows them—if he is a presbyter or a deacon, he shall fall out from his rank. If he is a secular he is not to be allowed to enter the church to participate in the holy mysteries. But, again, they shall not be received; also, not those who claim about themselves that they are bishops—perhaps they are not even Christians. Some persons among us have already known that this has happened.

3. There was a discussion[20] in the holy synod concerning those monks who abandon the garment[21] of monasticism and fall away from their *qeyāmā*[22] and renounce their promise to Christ with whom they were united; and who love the flesh and the corruptible desires of this world more than the heavy yoke of monasticism and the blissful and angelic life of those who fulfill (the functions of) the priesthood or the diaconate. Since they are monks who

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[18] τάξις.

[19] ܣܘܣܛܐܛܝܩܘܢ, συστατικός.

[20] Or: search, inquiry.

[21] σχῆμα.

[22] ܩܝܡܐ covenant, profession of monastic life.

subsequent (to monkshood) abandoned monasticism and went out into the world and have become entangled in marriage—that is to say have taken wives—this holy synod has adjudged that they are not to be allowed at all to perform priestly functions because this is not a small sin, but adultery and, (indeed, something even) more evil than adultery and fornication in the opinion of the holy fathers and skillful teachers.

4. Then because contempt was found in some places and also carelessness with regard to the sacerdotal table, * where some of the priests are offering without the consecrated tablet[23], upon some stone that was placed on the altar or on a wooden table without the tablet, others on a piece of cloth or on leather, this, the Christ-loving synod, has determined by the anathema of the word of God that none of those who perform priestly functions is to be allowed to offer without the anointed table, that is to say consecrated. It ought accurately to be investigated whether there is some indication as to the consecration and whether it was consecrated by an orthodox bishop; and this they shall do—the bishops, the *sāʿūrē*[24], the *peryādeūṭē*[25] and the heads of the churches—with diligence and care, for it may be that they were broken or damaged or consecrated by the heretics.

* p. 38

5. There are many who despise and forget the ecclesiastical traditions. During the time of the offerings, they cover the holy mysteries with a veil[26] which has no cross on it. We have determined watchfully that no one from now on and henceforth shall cover the holy mysteries with a veil which has no cross on it. The holy men and tested shepherds are also to prevent the cross, when the veil is spread out, from being bent on one of the sides.

But further we have determined that during the night, the divine mysteries should not be left without any light at all.

Likewise again, the priests and the deacons shall not serve except when clothed in their garment[27], the priests with the vestment[28] and a tunic, and the deacons with a tunic and a stole[29].

Any of the items which do not belong to the service shall not be put on the altar at all.

[23] ܛܒܠܝܬܐ tabula.

[24] ܣܥܘܪܐ an overseer, visitor.

[25] περιοδευτής.

[26] ἀναφορά.

[27] σχῆμα.

[28] ܦܝܢܐ, φαινώλης, φελόνιον.

[29] ܐܘܪܪܐ orarium.

6. This holy synod was informed that some of the presbyters, those who do not fear God (since) the judgment of God is taken away from their minds, have the temerity to offer and baptize but that they do not recite the prayers of the mysteries, that is to say (the prayers of) inclining[30]. Therefore we have determined through the living word of God which He gave to His holy apostles that everyone who does not recite the (prayers of) inclining of the offering before someone who is upright and trustworthy, shall not be allowed to offer or to perform priestly functions at all.

* p. 39 * As to the baptism—if one recites (the liturgy) by heart[31], he must do it before the bishop or before one who is so entrusted by the bishop. If he baptizes from a book he must also be examined so that he does not blaspheme or serve the mystery without knowledge.

The bishops must inquire about these matters whenever they visit their flocks and examine them without negligence so that sin shall not be committed against God.

7. Further this holy synod has considered that this canon and regulation has been especially despised by the heads of the priests, the one regarding the ordination[32] and consecration of the presbyters and deacons which have been splendidly determined by the holy apostles and holy fathers. It is this: a presbyter shall not be consecrated except only at the age of thirty years, even if he is watchful in his way of life and eminent in his learning. And also not a deacon except he who has arrived at the age of twenty years.

Many have trodden underfoot and passed by this (regulation). The great mystery of our religion has been scoffed at, not only by the orthodox faithful, but also by the heretics. The holy synod has determined and decided that no one of the bishops is allowed to consecrate a presbyter or a deacon, except at those ages which have been determined.

8. The synod has further learned from the bishops that many of the presbyters, in ignorance, baptize without the oil of unction. They are not authorized (to do so) because it is necessary and canonical and has since the ancient time been ordered and imposed on the church of the believers. Since our assembly has been assured that this has been done by certain persons, we have decided that no one of

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[30] Oratio secreta.

[31] Lit. by mouth.

[32] χειροτονία.

the priests is authorized to baptize without anointing, except where there is an emergency and haste (in the face) of (imminent) death.

The bishops shall be diligent, each one in his own eparchy[33], whenever the bishop consecrates the myron[34] for his diocese * to * p. 40 verify the horn of the unction. He shall watch as to whether there is something that is forbidden. The bishop shall do this, not the presbyter.

9. Because there are some bishops—we do not know for what reason—who give the laying on of hands into the presbyterate and the diaconate, to men who lack eyesight, that is to say, who are blind. We (however) do not examine those who were presbyters and deacons earlier on, who then had not yet become blind, but those who became blind subsequently.

The ecclesiastical tradition deprives them of serving in the priesthood. We all have determined through the anathema of the dominical word of the Lord that none of the bishops is allowed to consecrate a blind presbyter, deacon, or subdeacon. If, however, there is someone among the bishops who despises this regulation of the ecclesiastical comeliness and orderliness, he shall be reproved and excommunicated.

10. Further, this Christ-loving synod was informed that some men of the presbyters because of lack of knowledge or out of contempt sometimes offer must or sometimes a drink made from the raisins—these (things) which are forbidden by the canons of the apostles[35]; we have determined that we forbid this transgression of the law. Everyone who dares (to do so) and offers something else on any of the holy altars, except crushed (grapes) and raisins and wine and, as is evident together with the bread to be consecrated, shall be discharged from his rank.

The bishops again shall keep watch with all diligence and care and they also shall admonish the presbyters that they do not give the offering without the cup, for the evangelical word teaches us: "eat my body and drink my blood"[36].

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[33] ἐπαρχία.

[34] μύρον.

[35] As can. 3 in the Apostolic Canons, called Diataxis, which was included into the Octateuch in Syriac; Ms. Par. Syr. 62, fol. 113a, cf. *Reliquiae juris eccl. antiq. syriace*; Ms. Borg. Syr. 148, fol. 102a. See also *The Synodicon*, vol. I, p. 72f. About the recently discovered new sources, see VÖÖBUS, «Nouvelles sources de l'Octateuque clémentin syriaque», p. 105ff.

[36] Cf. John VI, 54.56.

Thus have we decided not only because it is canonical but also because it has scandalized many and is scandalizing those who have knowledge of the mysteries of the church.

11. Again there are men, who in (their) eagerness for the priesthood, before they married, that is to say, to take wives lawfully and canonically, are consecrated and become presbyters * and then take wives, thus trampling the canons of the holy apostles underfoot. Thus it was deemed proper by us to determine that one who takes a wife after he becomes a presbyter is not allowed to serve in the priesthood at all.

* p. 41

The bishops, however, shall also be watchful that they do not give the laying on of hands of the priesthood to one who does not take a wife lawfully.

12. Again, the synod has considered that many among the Christians make marriages ignorantly, indeed, without due precaution in giving (to others) for wives and to take (wives). That is: the man and his son, the woman and her daughter or two brothers, or two brothers who take the wife, and her daughter, or a man who takes the daughter of his own sister for a wife—these (affairs) belong (to the things) that are forbidden by the canons of the holy fathers; they also introduce confusion into the succession of the generations[37] due to kinship and carnal consanguinity.

We all have determined by the anathema and the word of God that no one of the Christians shall do one of these things from our day on and henceforth, or to be conjoined in such a marriage, forbidden and contemptible. However, if one despises (this regulation), he shall be suspended from the church of God and from the fellowship of the divine mysteries and from the intercourse of Christians until they are separated from one another.

13. It was reported to this holy synod that certain ones of the deacons before they are wedded, that is to say receive[38] wives, they enter (into intercourse) with them and cause pregnancy and do that which is forbidden by the canon and is an offense to the faithful people. We all have determined by the anathema that whoever of the deacons does that before the marriage shall not serve in the diaconate.

14. Regarding another attack upon and transgression of the law[39], information has come to us that presbyters, deacons and men of the

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[37] γένος.

[38] Lit. bring in their wives.

[39] νόμος.

order[40] of the monks lend (money) for usury despising and treading the canon of the apostles underfoot, that one which orders that every presbyter or deacon who takes usury has to cease or to be rejected. We determine as we renew this canon that every presbyter or deacon or monk who lends (money) for usury shall not carry out priestly functions and shall not serve the service of the mysteries.

15. In order that a betrothal be (carried out) lawfully, it was previously determined by the canons of the holy fathers before us and * they have decided that when there is a betrothal, first of all there * p. 42 shall be an agreement[41] from the boy and the girl and that then the ring shall be blessed and the betrothal thereafter commissioned by the testimony. To this legislation[42] we all adhere and we determine that so it shall be.

16. No one of those on whom the name of Christ has been invoked is allowed to take the betrothed of his brother after his death. He who dares (to do so) and transgresses this regulation shall be suspended from the church and from participation in the divine mysteries.

17. Because there are men who when they betrothe wives for themselves keep them to the extent of many years, scorning them and where henceforward these betrothed are tormented in various ways—for it happens that some of them are those who even have no parents or protector—it seemed proper to all of us, unanimously, that a betrothed woman can remain betrothed to her betrothal up to seven years.

The bishop investigates and learns accurately the manner of the man and for what reason he has kept (her so) for a length (of years) like this. But if it seems proper to the bishop or it is said to him by trustworthy men (that he does this) and he is contemptuously and carelessly inclining towards the evil desire and so neglecting her, he shall pass a sentence over him according to that which his transgression deserves and he shall be compelled by the anathema to take her.

If, however, he is not willing, that woman is free from blame and there is no compulsion on her to wait more than seven years—but he is condemned.

But if the betrothed woman is guilty and refuses to follow her betrothed who more or less presents to her her rights, the constraint of the sentence must be imposed on her until she consents and follows her betrothed.

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[40] τάγμα.

[41] ܫܠܡܘܬܐ concord, common consent.

[42] νόμος.

18. Also regarding this attack (against the discipline) the blessed and holy fathers have determined in this manner and (also) this synod gathered in the town of Qalliniqos that whoever is anathematized by the patriarch or bishop because of any transgressing of the law, whatever it may be, and who takes refuge with others of a tribe
* p. 43 or dignitaries[43] of the Christians, whose violence is hard[44], * and end up (finally) as the enemies of him who anathematized them unless he dissolves it and from which (point) he is obliged to free him—we all have determined following those who have adjudged (such cases) in this way: the Son of God shall not pardon him in this world and not in that which is prepared. And every man shall know that he is contemptible and anathematized from all the mysteries of the Christians.

19. Again we have determined and decided by the word of God that all those who are bequeathed by those who are dying—(leaving) for the churches or the monasteries or to the service[45] or the poor, or to any other person whoever he may be—it is not allowed to him in whose hands it has been entrusted to appropriate them or to diminish something of them by his own will.

He who dares (to do so) and covets or foils this commandment is condemned and (stands) under the anathema of God until he fulfills this commandment.

20. However, because men without faith, despising the apostolic canons, baptize their sons and daughters in the churches and monasteries of the heretics and take the offering from them and even take[46] godparents from them—and many subsequently have been seized by the customs like these towards the heresies—we have determined and decided through the word of God that from our day and henceforth, no one shall baptize his son in the church of the heretics and shall not receive their offering and not take a godparent from them.

21. Again, there are others, who from ignorance and rudeness, baptize their sons and daughters in a church where urns of the saints are arranged. Instead of having a godparent, they place the one to be baptized upon the urn[47] of the saints and abandon (the institution

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[43] Lit. heads.

[44] Or: whose force is rough.

[45] διακονία.

[46] Lit. make.

[47] γοῦρνα.

of) godparents. We have ordered, therefore, that no one shall act in this way because it is foreign to the ecclesiastical customs.

For it is lawful that every candidate for baptism shall have a godparent, namely a man for a man and a female for a female, one for one and not two or many as the skillful teachers have ordered. But after that, * (namely,) when the godparent has held the boy in (the * p. 44 rite of) baptism, if his parents wish to place him on the urns of the saints, they may do so if they wish.

22. These women who dance or make lamentations over their deceased ones and go out to the graves with the tambourines and dancings which anger God and are full of mockery, they shall be suspended sharply from entering the church and from participation in the holy mysteries. The priests shall be watchful that they shall not be present in the places where things such as these are being done.

In the same manner, every believing man or woman who goes to the sorcerers and the soothsayers or mutters incantations or talks secretly[48]—they are not allowed to enter the church and shall not participate in the holy mysteries for one year although the canons order five years.

23. Whoever gives his daughter, whether he is a man or woman, to a pagan or a Jew or a Magian or the woman out of her own accord becomes (the wife) to one of these, this God-loving synod has determined that they shall be foreign to the church and from the participation in the divine mysteries.

24. But because many, drawing honor to themselves, confuse and destroy the customs and orders[49], those which have been transmitted from the holy fathers in every town and place, i.e., in the towns and locations which anciently have been designated (as the loci where) the divine myron[50] shall be consecrated, and want the divine myron to be consecrated in the villages that have not been permitted this custom, it seemed proper to us all that no one is authorized to consecrate the myron—if he does not want to transgress the precept of God and if there is no persecution—except in those places where it has been consecrated earlier, in the time of the blessed patriarch Mār Qyriaqos[51]. We have therefore determined in (this) decision that everyone who opposes the bishop or directs him by force to

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[48] Or: whisper.

[49] τάξις.

[50] μύρον.

[51] See page 7ff.

consecrate where it has not been consecrated, that we curb and abolish this attack because it has been and is the cause of troubles of divisions and quarrels.

* p. 45 * 25. Concerning the suspension of the *dīgamū*[52], that is to say, of second marriages, we all have confirmed in this way authoritatively that it shall be observed watchfully and is not to be loosened as long as we find it in the holy fathers, those who have governed before us the church of God. We thus have decided through the living anathema of God that no one is allowed to press on or to oppose the bishop or to dissolve this regulation. Also, because this canon is very clear and evident and determined by the holy apostles and the great synods of the times which were before us.

26. We say that it is not allowed a bishop to attack (the tradition) and to dare to make an ordination[53] in an eparchy[54] which is not his own or to consecrate the myron or to preach or to interfere[55] in order to break off a judgment of the bishop, his colleague, or one not absolved or that one which previously was dissolved. Therefore, as we adhere to the holy fathers we curb and abolish this attack (against the tradition) through the anathema of the word of God— the bishop who neglects and transgresses one of these regulations which have been determined is not allowed to serve any of these (functions) of leadership in the priesthood. Every ordination made in the eparchy which is not his own shall be void according to the power of the ecclesiastical canons.

These matters seem proper to our priestly assembly to say and to write to you beloved[56], o sons of the holy church of God. We added nothing strange to that which the holy fathers have determined and taught, and we have done no novelty in the decree but (we present here) a remembrance of what have been determined in the former times. Since (the precepts) have been obscured and despised in our present time, we called it to your mind, beloved, God-loving (friends) so that if you keep them they shall keep you, and if you obey[57] them and do them, you will merit the crown of victory and the recompences of justice by the prayers of all the saints, especially by the intercession of Mary, mother of God. Amen[58].

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[52] δίγαμος.

[53] χειροτονία.

[54] ἐπαρχία.

[55] Lit. to introduce himself.

[56] Lit. to your love.

[57] Lit. hear.

[58] The same text appears in Ms. Mardin Orth. 323, fol. 30b-39b.

* [LIX]

* p. 46

ON ILLEGITIMATE MARRIAGES BY JŌḤANNĀN

1

Different kinds of illegitimate[1] marriages and the decision of the divine law[2] about them which have been traced and have been made manifest by the care of Jōḥannān[3] are indicated below.

(1) No one can take his sponsoress for five generations.
(2) Also the woman cannot become wife to her sponsor for five generations.
(3) A man cannot take a woman and his son her daughter.
(4) Nor a man a woman and his son her mother.
(5) Also not that a man and his son (take) two sisters.
(6) Also two brothers (cannot take) a woman and her daughter.
(7) Also not that a man (takes) a woman and gives his daughter to her brother.
(8) And not that a man (takes) a woman and gives his daughter to her father.
(9) And not that a man (takes) the sister or the daughter of the brother of his wife.
(10) And not the daughter of the brother of his wife.
(11) And also not the wife of his wife's brother.
(12) And also not the wife of his brother.
(13) Or the wife of the son of his sister.
(14) Or the wife of his uncle on the father's side.
(15) Or the wife of the uncle on the mother's side.

(I)[4] A man who takes the woman and his son (takes) her daughter.
The man takes the mother-in-law of his son.
Their children are brothers and sisters of the sons[5] and daughters[6].
They are also maternal and paternal uncles.
And (they are) maternal and paternal aunts of their own children.

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[1] νόμος with the negative particle.

[2] Or: prescript.

[3] Nothing more is said about who this Jōḥannān was.

[4] The following text is presented graphically in 13 schemes.

[5] Lit. boys.

[6] Lit. girls.

The woman becomes (wife) to the father of her son-in-law.

* p. 47 * The son takes the sister of his brothers and sisters from...[7].

Their children call the man grandfather and the father ...[8] of the paternal aunts and maternal uncles and ...[9]. And they call (the woman) grandmother and ...[10] and the paternal aunts maternal uncles and aunts.

Her daughter becomes (married) to the brother of her brothers and sisters from her mother.

(II)[11] A man takes a daughter[12] and his son her mother.

The man takes the sister of the children of his son and the daughter of ...[13].

Their children call the man their father and the grandmother ...[14] of their maternal aunts.

The daughter[15] becomes (married) to the grandfather of her brothers from the mother and to the father of the husband of her mother.

His son takes the grandmother of his brothers from the father and the mother-in-law of his father.

Their children call their father the brother of the sons of their sister from the mother. And a woman their mother and the grandmother of the paternal uncles and paternal aunts. And (they) call the man their grandfather and the father of the children of their sister from the mother. And (they call) the daughter[16] their sister and the mother of their paternal uncles and paternal aunts.

Her mother becomes (married) to the brother of the children of her daughter.

(III) The man and his son take two sisters.

The man takes the sister of his daughter-in-law and the maternal aunt of his grandsons.

Their children call the son[17] their brother and husband of their mother-in-law[18]. And (they call) the wife of the boy their aunt. And

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[7] The text has suffered here.

[8] The text is damaged.

[9] The text has suffered here.

[10] The text has suffered here.

[11] Each scheme is arranged similarly, having a title.

[12] Lit. girl.

[13] The text has suffered here.

[14] The text has suffered here.

[15] Lit. girl.

[16] Lit. girl.

[17] I.e. the son.

[18] There must be a mistake in the text; instead of ܚܡܬܐ the text should read ܚܠܬܐ.

(they call) their (own) children the children of brothers and the children of their maternal aunts.

The woman becomes (married) to the grandfather of the children of her sister and the brother-in-law and the father-in-law of her sister.

* His son takes the maternal aunt of his brothers and sisters from (his) father. * p. 48

Their children call the man[19] their grandfather and husband of their maternal aunt[20]. And the wife their maternal aunt and mother of their paternal uncles and paternal aunts. And they call their (own) children paternal uncles, paternal aunts and also sons of the maternal aunt.

Her sister becomes (married) to the brother of her sister's children.

(IV) Two brothers who take the wife and her daughter.

The man takes the mother-in-law of his brothers and the mother of his daughter-in-law.

Their children (call) that son[21] paternal uncle and his wife their sister from the mother. They call their children of the paternal uncles and children of the sister from the mother.

The wife becomes (married) to the brother of her son-in-law.

His brother takes the sister of the children of his brother from the mother.

Their children call that man paternal uncle and his wife grandmother. And they call their children (of the first brother and his wife) children of the paternal uncles and maternal uncles.

Her daughter becomes (married) to the paternal uncle of her brothers from the mother.

(V) A man who takes a woman and gives his daughter to her brother.

* The man takes the paternal aunt of the children of his daughter. * p. 49

Their children call the young man maternal uncle and (his) wife their sister. And they call their children children of the maternal uncle and children of their sister.

The woman[22] becomes (married) to the grandfather of the children of her brother.

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[19] I.e. the father.

[20] The text is wrong here; instead ܚܬܗܘܢ it should read ܚܠܬܗܘܢ.

[21] Lit. boy.

[22] The text has ܒܪܗ which must be an error.

The young man takes the sister of the children of his sister and he is the maternal uncle of the brothers of his wife from the father.

Their children call the man their grandfather and his wife paternal aunt. And they call their children maternal uncles and maternal aunts and sons of the paternal aunt.

The daughter[23] of the man becomes (married) to the maternal uncle of her brothers from the father and not of the mother of her brothers.

(VI) The man who gives his daughter to the father of his wife.

The man takes a sister of the children of his daughter and the daughter of his son-in-law as of his daughter.

Their children call that man grandfather and his wife their maternal aunt. And they call their children maternal uncles, maternal aunts and children of their sister.

His daughter becomes (married) to the grandfather of her brothers from the father.

(VII) A man who takes the sister or the daughter of the sister of his wife.

A man (marries) the sister of his wife; that is to say: this evicts[24] her sister and it is shameful to cling to one who becomes one body with her sister.

A man (marries) the daughter of the sister of his wife; that is to say: this evicts[25] her maternal aunt and this is shameful because the maternal aunt is like her mother.

A man (marries) the daughter of the brother of his wife; that is to say: this evicts[26] her paternal aunt and this is shameful because the paternal aunt is like the father.

(VIII) The man who takes the wife of the son of his father-in-law and mother-in-law.

A man who takes the wife of the maternal uncle of his children and the wife of the son of his father-in-law and mother-in-law (commits) a shameful act.

A man takes the wife of the brother of his wife.

Their children call previous children who were for the man and his wife on the side of their maternal uncle, and children of the maternal uncles and from his wife, and on the side of the father, brothers, and (those) of the first wife, children of the paternal aunt.

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[23] The text reads ܘܚܬܗ which must be an error.

[24] Lit. invades, attacks.

[25] Lit. invades, attacks.

[26] Lit. invades, attacks.

The woman becomes (married) to the husband of the paternal aunt of her children and to the brother-in-law of her husband.

(IX) The man who takes the wife of his maternal uncle or the wife of his paternal uncle or the wife of the brother.

(Re the wife of the maternal uncle) it is shameful because he soils the bedroom of the maternal uncle, the brother[27] of his mother.

(Re the wife of the paternal uncle) it is equally shameful because he soils the bedroom of his paternal uncle who is like the father.

(Re the wife of the brother) it is equally very abominable when (one takes) the wife of the son of the brother or (the wife) of the son of the sister.

All these marriages are illegitimate:

* (1) A man and his son (taking) the wife and der daughter. * p. 50
(2) A man who takes the daughter[28] and his son her mother.
(3) A man and his son who take two sisters.
(4) Two brothers who take the woman and her daughter.
(5) He who takes the woman and gives his daughter to her brother.
(6) He who gives his daughter to the father of his wife.
(7) He who takes the sister or the daughter of the sister of his wife.
(8) A man who takes the wife of the son of his father-in-law and the mother-in-law.
(9) He who takes the wife of the brother or the wife of the paternal uncle or the wife of the maternal uncle[29].

[LX]

THE CANONS OF PATRIARCH IGNAṬIOS

Then the canons composed by the holy Ignaṭios[1], patriarch of

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[27] The text contains an error, reading here ܐܒܐ.

[28] Lit. girl.

[29] Another source for this text appears in Ms. Mardin Orth. 323, fol. 39b-42a.

[1] Information about Ignaṭios is very scanty. We know that he was not one of the pretenders to the patriarchal throne but that he was brought out from the quietness of monastic life. Mīka'ēl says that he was from the Monastery of Ḥ'arbaz, but

Antioch of Syria, and by the holy bishops with him who were prepared for his election[2] and his consecration in the Monastery of Mār Zakkai[3] by the side of Qalliniqos[4] in the year 1189 of the Greeks, in the month of Ḥazīrān[5], Thursday, the fifth day of it.

INTRODUCTORY LETTER

Ignaṭios, by the unfathomable judgments of the Lord, patriarch of the apostolic see of Antioch of Syria, and the venerable metropolitans and bishops with him who came for his election and his consecration and were gathered in the Monastery of Mār Zakkai in the neighborhood of Qalliniqos to the sons of the holy church in every place and town, to the presbyters and deacons and all the * p. 51 people loving Christ. Grace be with you and peace * from God our Father and from our Lord Jesus Christ and His living and Holy Spirit, the Vivifier. Amen.

When God, good and very merciful, created man, He from the beginning gave him a natural law[6], i.e., the conscience by which he shall choose what is good and observe it and shall hate and repel what is to be rejected. Besides that, He put to him a law in paradise[7]. If he

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another source is a little more fluent. It tells us that his name was Īšōʿ and he was brought out from the anchorite's cell near the Euphrates in the diocese of Šemīšaṭ, and that the Monastery of Ḥ'arbaz was the place where he had been educated, *Chronicon ad ann. 1234*, II, p. 276.

[2] He was elected June 5, 878 A.D., 'ELIYĀ BAR ŠĪNĀYĀ, *Opus chronologicum* I, p. 186. He died on March 26, 883 A.D. in Morebā Q'asṭrā, *Chronicon ad ann. 1234*, II, p. 276. This location was near Labargūh, Ms. Šarf. Syr. 16/5, fol. 14b. Thus his rule lasted only 4 years and 10 months. During the period of his office he conserated 26, according to another source 16 bishops, numbers which palaeographically speaking could easily become a source of confusion — this little is all that has been recorded but there is absolutely nothing about the ecclesiastical conditions under him.

[3] This was a monastery with reputation. In the history of Syrian monasteries it occupies a place of honor among the loci of study and learning. The biography of Marūtā, composed by Denḥā, tells that Marūtā, when he had completed his preparatory studies, in the pursuit of his further studies went to the Monastery of Mār Zakkai. In his choice the determinative factor was that this monastery was outstanding in the study of the works of Gregorius of Nazianz; DENḤĀ, *Histoire de Marouta*, p. 70.

[4] Known also as Raqqā.

[5] I.e. June 5, 878 A.D. Concerning the synod in question, the sources have preserved some recollection. One source even tells us something about its pre-history. See note 19.

[6] νόμος.

[7] Gen. II, 16f.

had observed it, he would have lived an immortal life. But when he transgressed it, he received the sentence of the death[8].

Afterwards, however—when the conscience had been corrupted in many ways and had become dull in the proving of what is due until it (all) ended in evils and love of them as of good things—all flesh corrupted its lawful way, as is shown[9] by the punishments, bitter pains and chastisements of all kinds. He purified the earth severely of sin as in the days of Noah by the deluge[10] and other chastisements in other times because the order[11] and the law[12] had willfully not been observed.

Afterwards He also gave corporeal Israel the written law for the awakening of the law of conscience through Moses[13], the head of the prophets, in order that (it would become manifest which are the) things fit for rejection, which (things) bring the anger (of God) and which are due to be done well as things pleasing to God and attracting the mercies (of Him). They, when observed, preserve from the anger of God and deliver us from the hands of the enemies. But when they are transgressed they attract the anger, that is to say, the punishment. And then when we had been wretchedly separated from our Creator by the transgression of the law, we were enslaved even unto the worship of illegal idols and figures.

The Word, namely, God in His person, has renewed our salvation by the economy in the flesh and (has given) His holy apostles the power of the divine spirit and has sent them to proclaim His Gospel all over the earth even to teach[14] in the spiritual Israel the word of life with a true faith and also (to exhibit) the behavior which suits the sons * of God and to promise them that He will be with them * p. 52 until the consummation of the world[15]. By means of them, He determined and set up the canons which have been written by the elect apostles and after them were renewed by the holy synods age after age, and augmented according to the times and the motives which were flowing. However, the enemy who since the beginning instigated our first father to despise the vivifying commandment of his Lord and who introduced[16] death instead of life in human nature, always does not cease—as a foe and adversary of the good—to trace out the right roads of the Lord and to turn aside from the narrow and difficult way that leads into the kingdom of heaven according to the dominical word[17] of the Lord those who have been taken captive negligently in the pleasures of the secular life and in the desires of the flesh.

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[8] Gen. III, 16ff.

[9] Lit. told.

[10] Gen. VII-VIII.

[11] τάξις.

[12] νόμος.

[13] Deut. V.

[14] Matth. XXVIII, 19.

[15] Matth. XXVIII, 20.

[16] Lit. made.

On that account, we, the feeble[18] ones, by the grace of Him who has called us into this service during this time full of punishments[19] and with (all our) inherent[20] weakness have been put into the place as watchmen by His incomprehensible judgments. And when we say that the church has been widowed of a common father and the chief of the fathers during these years more than in other times and that also many parishes have been deprived of shepherds, that the holy laws and the divine commandments and the apostolic canons have been despised and forgotten and that nearly every person has been acting by the will of his heart and as it pleases him, and has given to sin the occasion[21] to be accomplished openly ...[22]

THE CANONS

< 3 >[23]. ...[24] as one who is suspended by the canons of the apostles

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[17] Cf. Matth. VII, 14.

[18] Lit. little ones.

[19] This is a reference to the complications and difficulties caused by the pre-history of the synod. One source tells us something about these vexations. According to it, the question of leadership for the church had become acute since the church had been widowed since the death of Patriarch Jōḥannān III who died in 873 A.D. The prolongations and delays in the preparation for this election were caused by Sargīs of Tagrīt, «the head of the bishops», *Chronicon ad ann. 1234*, II, p. 276.

[20] Lit. domestic, familiar, private.

[21] Lit. time.

[22] The text breaks off here.

[23] Information about the existence of the canons in the sources is absent. Mīka'ēl does not know about them, *Chronique* IV, p. 547. The anonymous chronicle which knows a little more about this synod, says nothing about any canons established by the synod, *Chronicon ad ann. 1234*, II, p. 276. There is no other trace of the collection of canons in the manuscript tradition. The lost codex which once contained some of the collection of the synodical acts, Ms. Seert 69, SCHER, *Catalogue*, p. 52ff., did not include this cycle. All the canons of Ignaṭios are unknown with the exception of one, namely can. 9, the trace of which appears in reduced form in the codification work of Bar 'Ebrāyā, *Nomocanon* VI, 2. The other canon which is introduced under the name of Patriarch Ignaṭios, *Nomocanon* VII, 6, may possibly be one of the first two canons which stood on the two folio leaves which have fallen out of the manuscript.

[24] Here fol. 134 and 135 have fallen out, causing a gap.

and of the orthodox[25] fathers and therefore also we adhere to their requirement as has been determined, * confirming by the dominical anathema that the bishop is not allowed to permit one of the second marriage[26] to perform the priestly functions. * p. 53

But if a presbyter or a deacon is witnessed by two or three who deserve to be accepted concerning adultery or fornication or if he himself confesses—all our synod has determined through the anathema of the word of God that that one of them has no authority from God to serve in any of these (functions of) the priesthood or diaconate.

4. Regarding the persons who shamelessly and ignorantly transgress the law in something which has been determined, be it because of mortal sins or canonical censure or punishment that was right to place on them through the bishop or by another who has been appointed to correct this, who fall into rage and bitter madness so that they become enemies of the legislation and devise a manner of perdition against him and who seek to have their anathema abolished by means of worldly rulers or the chiefs of the Arabs or the Christians whose force is hard[27].

Those who so do and by force manage to influence him who condemned them to release them according to their wish—even if he many times, under coercion, releases them—our Lord Jesus Christ shall not absolve them, and they shall be found guilty on the day of judgment because of their transgression and their audacity.

5. Now there are many of those who endue the garment[28] of monasticism who previously have not been tested and ascertained in the manners of excellence; there are those among them who have not even arrived at the measure of full stature. Being seized as by a kind of turbulence, they run in order to stand on a column[29] which (, indeed,) is truly an angel-like way of life uplifting from the world. However, when their hope is disappointed, they descend from the heights which they had not ascended in their spirit, and from then on become a mockery and a cause of scandal for many.

Therefore, no one has the authority to ascend the column * except with the knowledge and permission of the bishop. If he descends, * p. 54

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[25] ὀρθόδοξος.

[26] δίγαμος.

[27] Or: whose violence is rough.

[28] σχῆμα.

[29] στύλος.

except in the case of persecution or because of the necessity of sickness, he has no authority to serve in the priesthood. Furthermore, they shall not pronounce judgment and disturb the bishops, (nor) involve themselves in matters for which they have no permission or employ circular letters and pass sentences.

6. It was reported to the synod regarding monks who are heads of churches in the villages and towns that they give themselves to a manner of life confusing to men.

Therefore, we have determined regarding the monks that they shall not abandon their huts[30] and monasteries and live in the villages and towns and become the heads of the churches except only by being carried away by force or because of the suffering under persecution to stay for a time, or as one of them is ordained by the bishop for the profit of the community. This, however, with much circumspection and (only) as testimony is given as to the chaste manner of (his) life.

Also by the universal anathema of all of us, it is not allowed them to be entangled in worldly business through giving and receiving or buying and selling, except only for that which is sufficient for their necessary[31] use. They shall not become the *wakīlē*[32] in the villages and towns or in other places. (They shall) also not enter and sleep in strange houses thus to defame the garment[33] of monasticism that the name of God might not be blasphemed because of them. They have no authority from God to become *šaušbīnē*[34] or *qarībē*[35]. They shall not eat meat or enter the bathhouse[36] like the seculars.

7. It is not allowed by God for a male beginning with the seventh year to enter a monastery of recluse nuns[37], to sleep inside the gate of one of them, whether (he be) a monk, a secular or a relative or a stranger. And also not to stay or to eat or to drink with one of them. And none (are) to enter inside the gate of the monastery except only the priest who has been appointed by God and by the bishop for
* p. 55 * this service or for a workman or a physician in case of necessity[38] carrying permission to enter from the bishop in order to complete the necessities and (then) leave.

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[30] ܟܘܪܟܐ circuit, enshrouding.

[31] ἀνάγκη.

[32] ܘܟܝ̈ܠܐ, وكيل representative, an authorized person.

[33] σχῆμα.

[34] ܫܘܫܒܝܢܐ groomsman, god-parent, sponsor.

[35] ܩܪ̈ܝܒܐ godfather, sponsor.

[36] βαλανεῖον.

[37] ܚܒܝܫܬܐ reclused nuns.

[38] ἀνάγκη.

8. Concerning the people of the Christians, those upon whom the name of Christ has been invoked, but who in deeds have gone far from Him, using pagan manners, dealings and ways[39]. As has been said, they themselves mixed with Gentiles and learned their doings—men as well as women—in the cutting of the hair, dressing in the fashions[40] of clothing and garments of different colors made by them in the practice of licentiousness. And, as is known, those who are of this sort readily deviate licentiously to obscene acts. Hence, they are by that, the cause of perdition upon themselves. Moreover, they appear to others as a bad example. Therefore this holy synod has determined that none of the Christians has the right to ways such as (those of) these pagan ones.

9. Those women who lament over their deceased in a pagan manner and go out to the tombs with tambourines, timbrels and dances which anger God and express mockery shall be suspended by this sentence—for this contemptuous doing. If, however, they are (to do) this, they shall be suspended also from the church and participation in the holy mysteries.

The priests shall be watchful that they shall not be present at all in the funeral procession or in the houses of those who made the lamentations which anger God.

10. It was reported to the holy synod regarding those persons who trespass the judgment of God before their eyes while they were obliged to keep the dominical commandments which the Lord has commanded: "To one who asks you give him, and to one who wants to borrow from you, do not refuse"[41]. They (nevertheless) lend in prepayment and in usury according to the customs of the pagan profits, and when they again pay back the capital and interest or a major part of the debt, they withhold * the writing, i.e., the document[42] of iniquity and do not tear it up or return it to its titular when it is paid; or when a part of the debt remains, they tear up the first and make a new one instead of it and write in the sum that remains; for this reason, many have been demanded (to pay) twice; or the creditor defrauds the debtor or when he dies and leaves an heir and the deed remains in their hands and then claim knowingly or not that (the debt) has not been paid. * p. 56

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[39] σχῆμα.

[40] σχῆμα.

[41] Matth. V, 42.

[42] ܓܪܐܡܐܛܝܘܢ, γραμματεῖον, a legal document, a writ.

Therefore we all have determined by the anathema of the word of God that none of the Christians who hears this sentence has authority from God to take unto himself a paid[43] legal document[44] or to entrust it into the hand of another who is so reckless[45] that the poor debtor shall be obliged to repay him twice.

11. With regard to the many quarrels and confusions that we have seen for a long time (now), which have happened in the churches and the homes of the believers on account of betrothals which are not regular, so that even fightings, beatings and causes for many sins have taken place and sometimes (even) estrangement, parents from their sons and sons from their parents. We all together have decided unanimously by the frightful word of God, which the Lord gave to His holy apostles and by which the adversary powers are to tremble, that no father is allowed or a mother or a brother or a sister or someone of the household, whether of a boy or a girl to betroth a boy or to betroth a girl before they reach the measure of fifteen years and then (only) through an agreement of the boy and the girl.

But as to the betrothal we decide thusly: It shall occur through the mediation of the priests and the believers who are present together when the hand is given and the agreement (made) of them, and the ring is consecrated—by all means so that they gird up the ecclesiastical blessings, through the mediation which the priests give, in the comeliness of regularity and the custom of the heads of the fathers. And through consecration the right hand shall be for their copulation
* p. 57 that their bed may be pure and holy according to the * apostolic word: "And their seed (shall be) free and blessed and the children of the believers stainless and clean"[46].

12. Also because there are persons among those who are of the rank of the presbyters and deacons, who without obedience and in ignorance, enter into union with widowed wives, not understanding that they become one body with that one with whom they join in a normal[47] marriage,—if he was married previously to another, he had one body with that one and not with the one he took later, we all determine through the anathema of the word of God, in regard to resolving this disorder, that no presbyter or deacon has authority to join with a widow in marriage because the apostles have commanded

[43] I.e. a document with an amount on loan which is still payable.

[44] γραμματεῖον.

[45] Lit. who is furious.

[46] Cf. Ephes. V, 27.

[47] τάξις.

that the presbyter and the deacon shall be a husband of (but) one wife[48]. In this way, a woman ought to become wife of one man because she has one body with him and not two; and no one has authority over her body except her husband; in like manner he also does not have authority over his body except his wife[49].

The canons of Ignaṭios, the patriarch, end (here)[50].

[LXI]

[THE CANONS OF PATRIARCH DIONYSIOS]

The canons which have been determined by the holy synod that was gathered in Bēt Mār Šīlā[1] of Serūg[2] and that designated the blessed Mār Dionysios[3], patriarch of Antioch[4], the city of God in the year 1207 in the month of Nisān[5] on the day[6] ...[7].

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[48] Cf. Ephes. V, 22ff.

[49] Cf. I Cor. VII, 4.

[50] The same text appears in Ms. Mardin Orth. 323, fol. 42b-50b.

[1] Namely in the Monastery of Mār Šīlā in the diocese of Serūg.

[2] Or: consecrated.

[3] This Dionysios was formerly a monk in the Monastery of Bēt Bātīn at Ḥarrān. Only one source has kept a recollection of his previous name Nūḥ, *Chronicon ad ann. 1234*, II, p. 276.

[4] His election is placed in the year 896 A.D. He died in April 909 A.D. in the Monastery of Bēt Bātin.

[5] I.e. April 896 A.D.

[6] The chronological aspect is not without complications. What is told by Mīka'ēl, that he was elected in 1207 A.Gr. but the consecration of the newly elected patriarch is placed in the month of Nīsān in 1208 A.D., i.e. April 897, *Chronique* IV, p. 550, thus giving us a date which is beset with further confusion, since in the text he says that the council took place on the 3rd of 'Iyār, i.e. May 3, later in the appendix he introduces Nīsān 23, i.e. April 23rd, *ibid.*, p. 757. All this leaves us with the impression as though he made an attempt to bring conflicting data together in a reconciliatory manner. Our document according to the title places the election on Nīsān of the year 1207 A.Gr. However, according to the tradition his predecessor Patriarch Theodosios was still alive at that time, since he died on the first of the month of Ḥazīrān, i.e. June 1, MĪKA'ĒL, *Chronique* IV, p. 449, or Ḥazīrān the 4th, *ibid.*, p. 757; Ms. Šarfeh Syr. 16/5, fol. 14b reads Ḥazīrān 1. In this situation we first need assurance regarding the reliability of the chronology whether the testimony about the time of the death of Theodosios is solid. In view of the lack of more substantial information one must reckon with the possibility that the year of the synod was not originally included in the synodical acts and therefore could be borrowed from some faulty chronology at the time the title was given to this section of the collection. About these critical problems, see VÖÖBUS, *Syrische Kanonessammlungen* I, A, p. 68f. However, our document may have well preserved a correct tradition against all other sources.

[7] Here the manuscript has a blank space.

AN INTRODUCTORY LETTER TO THE CANONS

In the name of the Father and the Son and the Holy Spirit. God, the Creator, when He created the first man, gave him by His divine solicitude and His highest providence the law[8] and the commandments[9] * so that, by observing and practicing them, he would be above death and corruption and all his lineage with him. (Then) He announced through a prophetic word[10] that He was raising for them the lawgiver[11] so that all the nations would know that they are men; and, thus, through the comeliness of the order, ecclesiastical and spiritual, this majesty of divine laws proceeded and reached us by transmission and it was incumbent on us to follow also the steps of the fathers and, like them, with the loftiness fitting for obedient sons who receive their legacy. * p. 58

For this reason we came, everyone from his country and gathered with one mind and one spirit for the consecration[12] of the common father and head of His holy church. Thus were we gathered in the holy Monastery of Mār Šīlā[13] in the country of Serūg, thirty-five bishops and among us God-chosen, our blessed and most holy father Mār Dionysios as patriarch to the apostolic see of the city of God, Antioch. When by divine help this affair[14] was completed and his beatitude seated according to the order[15] of the head of this holy synod, it was incumbent[16] upon him and our assembly to set up some canons so that, by then, the faults that have been resuscitated in our days by the mischieviousness of the devil and (his) deceiving angels would be corrected in order that God be glorified, His church exalted, the slanderer defeated, and the believers consolated.

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[8] νόμος.

[9] Cf. Gen. II, 16f.

[10] Lit. sound, echo.

[11] Cf. Deut. V.

[12] ܡܬܬܣܝܡܘܬܐ means election, designation as well as ordination and consecration.

[13] The same confusion is apparant with regard to the locality in which the synod was held. Mīka'ēl claims the synod was held in Bēt Bāṭīn but there must have been a reason to place the gathering for the consecration near Serūg, into the village of 'Ašit. *Chronique* IV, p. 550. The reference to Bēt Bāṭīn arouses the suspicion that the place of origin of the patriarch could have been mixed up with the place of the synod. Bar 'Ebrāyā repeats the same version as Mīka'ēl, *Chronicon eccl.* I, col. 391, 393. The echo of the other tradition placing the election near Serūg, emerges in the anonymous chronicle, *Chronicon ad ann. 1234*, II, p. 276.

[14] ὑπόθεσις.

[15] τάξις.

[16] Lit. was justified.

THE CANONS

The first canon[17]. If someone shall accuse his bishop, it is not lawful that (the accusation) be accepted from him except it be testified to by a body (of people) free of accusations and human passions and (the members of which) are trustworthy witnesses, persons who deserve to be believed.

And as the patriarch shall hear it from them, so shall he take into the record (that) of which they accuse and testify. Then he shall gather ten bishops and his affair shall be examined with all accuracy and correctness.

* If the accusation[18] is confirmed, the patriarch and these bishops * p. 59 with him shall adjudge what is to be done with the bishop who was accused.

If, however, it is impossible for the accuser to verify what he said and wrote, he shall receive that sentence which was prepared for the bishop accused by him, and to bear it if proved.

The second canon. We all have adjudged that no bishop is allowed to go into an eparchy[19] that is not his own to administer in it anything or even to carry out ordination[20]. Also not even if someone would come to him from another eparchy (for consecration), to consecrate him a presbyter or deacon without the permission of his own bishop.

If he dares (to do so) or transgresses (this rule), the bishop shall be reproached. That one, however, who had been consecrated shall have no authorization to serve until his bishop permits him.

The third canon. We all adjudge that no service shall be permitted a presbyter or a deacon in a strange eparchy without the letter of that bishop who consecrated him — if he is still alive or of the one after him in his see. Thus shall it be made known that there is no blame in his service.

The fourth canon. Those who make themselves presbyters and deacons, which they are not and dare to serve — we all adjudge that they shall be suspended even from participation in the holy mysteries and from the church until they accept correction and the bishop receive them into the communion—only him who accepts this judgment before him[21].

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[17] The confused state of the sources negates any information about the canons. Not a single trace of the canons appears elsewhere in other records. Also Bar 'Ebrāyā's work of codification reveals no knowledge about them. In this source we have to do with a very rare document which has undergone a torturous transmission. It also did not appear in the codex which once had preserved some very rare legislative documents, namely Ms. Seert 69, SCHER, *Catalogue*, p. 52ff.

[18] κατηγορεῖν. [19] ἐπαρχία. [20] χειροτονία.

The fifth canon. We also adjudge that it is not allowed a monk to be a head of the church in a village or a town. If he attacks (this rule) and dares (to do so) he shall be excluded from his service.

However, not only this, but also (they are not allowed) to take upon themselves administrations as *'epiṭrūpē*[22], that is to say, the *wakīlā*[23].

Also—absolutely not to sleep in the convent among the nuns.

* p. 60 * If this one is in the order of the brothers, he shall be suspended from participation in the mysteries (for as long) as is deemed proper by the bishop.

The sixth canon. We adjudge also that they shall not become *šaušbīnē*[24] to seculars.

We have further determined that a secular male shall not eat at all in a convent of the nuns beginning with the age of seven years and above.

If the one who transgresses this regulation is a presbyter or deacon, he shall be suspended from his service. If he is a secular, he shall be deprived from participation in the divine mysteries until it seems proper to the bishop to absolve him.

The seventh canon. A betrothal which is without the blessing of the ring, the mediation of the priest, and in which (the age) has not reached the measure of fourteen years and (does not have) the agreement and will of the two persons—if it happens that there shall be a quarrel—we adjudge that it shall be entirely terminated.

The eighth canon. The wills[25] coming from the people to the churches, monasteries and the poor shall be entrusted into the hands of the *rabai bātē*[26], those who have been set apart for this (duty), and not into the hands of the members of the family.

A brother who is seen to transgress this regulation and especially if he takes refuge with the outsiders, is not allowed to enter the church of God until he no longer transgresses the word of God, stays away from his evil and restores that which he has corrupted.

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[21] I.e. before the bishop.

[22] ἐπίτροπος.

[23] ܘܟܝ̈ܠܐ = وكيل representative, an authorized person.

[24] ܫܘܫܒܝ̈ܢܐ groomsmen, god-parents.

[25] Lit. commands, commandments, decrees.

[26] ܪ̈ܒܝ ܒ̈ܬܐ stewards.

The ninth canon. Concerning this that has been put in complaint before us, (namely,) that certain people despise the letters written by the patriarch, or by the bishops, and do not allow them to be read to the people—not only this, but that they even take refuge among the outsiders so as to hinder the reading,—we all together have determined by the anathema of the word of God that those who do this, if they be priests or deacons, they shall be suspended from the service for a certain period of time by the authority of the bishop. If he is a monk or a secular he shall not participate in the divine mysteries for the days of a year.

* The tenth canon. (Regarding) a priest or a deacon or a secular or a monk when he is corrected or sentenced by his bishop, if he goes and seeks for refuge among men who are rough in their violence, whether insiders or outsiders, in order that his sentence would be released for him, even if the bishop will say many times "I release", God will have not pity upon him, not in this world, not even in that prepared to come. * p. 61

The eleventh canon. The law[27] against those who organize groups or parties[28] against the leaders, those who come even from the sentenced seculars—sometimes from the ecclesiastical (persons), priests or deacons or laymen who make covenants[29] and oaths and organize parties against their bishop causing trouble against them.

We all have determined by the dreadful and terrible anathema of the Lord that the priests and deacons shall not serve their (ecclesiastical) orders. The laymen shall not even enter the church until they cease entirely from their evil and give sureties to the bishop that they will not do this again forever.

The twelfth canon. The presbyters or deacons who give out money for usury or bargain or for prepayment or for return of corn or wine or of any other business—we have determined by the frightful word of God that they must either cease from their abominable business or be dismissed from the service.

The thirteenth canon. Regarding goods[30] or lots[31] and possession of the churches and monasteries or vows of the tithes which have been set apart to them by the believers. We all have determined by the anathema of the word of God that no one is allowed to manage them without the permission of the bishop or by him whom he appoints to administer these things. He who attacks this regulation, if they are companions of the altar, shall be suspended from their service. If they are lay people, they shall not enter the church and shall not participate in the holy mysteries until they cease from such contemptible doings.

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[27] νόμος.

[28] κοινόν also factious meetings.

[29] ܩܝܡܐ also a vow, statute.

[30] Lit. things.

[31] ܥܒܪܬܐ = شكارة a field, garden plot.

The fourteenth canon. However, regarding sponsorship[32], the fathers and the brothers the holy apostles, have set up canons and
* p. 62 we also adhere to their rulings,—*we have determined through the living word of God that no Christian has the authority to take a wife who through sponsorship is related to him or to his parents or brothers[33] up to (five)[34] generations. If she is of the sponsorship of men, this sponsorship shall be terminated after <five> [35] generations;—if of women, after <three> [36] generations.

The fifteenth canon. Because many times it was complained before us about men who when they lend out money for others and write documents about these (matters) and who when the third part or the half of the sum of money that he lent is paid, keep the document with themselves. (We adjudge that) when a half or a third or whatever amount is paid, they shall either destroy them in the presence of their owners or shall write another new one. He who despises this regulation is anathematized by all our assembly so that he shall not enter the church nor participate in the holy mysteries until he returns what is right and adheres to this righteous sentence.

The sixteenth canon. We all have determined through the living word of God that no one has the authority to read or to give to others the letter of a patriarch or bishop, to open it and to read it since it is not his.

He who attacks (this ruling) and transgresses this regulation, if he is a presbyter or a deacon, he shall not serve his order[37] for the days of a year; if he is a layman, he likewise shall not participate in the holy mysteries.

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[32] ܫܘܫܒܝܢܘܬܐ the institution of groomsmen or god-parents.

[33] Or: relatives.

[34] The word is partly erased; it looks like the word originally written was « five »; so also Ms. Mardin Ort. 323, fol. 54a.

[35] The word is erased and not decipherable; Ms. Mardin Orth. 323, fol. 54a reads here « five ».

[36] The word is almost entirely erased; it looks like the word originally written was « three »; so reads also Ms. Mardin Ort. 323, fol. 54a.

The seventeenth canon. The presbyters and deacons or whoever they are, who go round with the bones of the saints in (various) places as those collecting alms through them, shall be suspended from their service if they do not abandon (this practice).

The eighteenth canon. (Regarding) the presbyters and deacons who place the bones * of the saints in their houses for business and not for the glory of God. We have adjudged that they shall abstain from this. If they do not obey, they have no authority to serve in the ministry of the priesthood, if they do not depart from the anathema of God. * p. 63

The nineteenth canon. Those who coerce the bishop against his will to make to a Christian an allowance[38] or, perhaps, that a sentence justly imposed be removed from them. If they seek refuge among the outsiders and among those who are hard in their violence—we determine through the word of God that they shall not serve in the priesthood if they are priests and deacons. And if they are lay people, they shall not enter the church until they turn away from their evil will and set in order that which they have corrupted.

The twentieth canon. The priests are not allowed to baptize heretics if they remain in their heresy. He who is found doing so shall be out of his service for the days of a year and shall fast fifty days.

The twenty-first canon. Those who are deacons, and their betrothed have died, but they had not seen them; if they bring trustworthy witnesses or if they accept an interdict on their conscience that they did not see them and did not touch them by a kiss or any other way —they may take wives and serve (in the diaconate).

The twenty-second canon. It is not lawful to have commemorations and funeral agapes during the fast of the forty (days)[39], except on Saturday or on Sunday.

The twenty-third canon. Christians shall not be seen in the conduct of the outsiders, in lascivious dress[40], whether men or women. They shall also not make lamentations for the departed ones.

He who does any of these things shall be suspended from the church.

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[37] τάξις.

[38] Or: a service.

[39] I.e. the Quadragesima period.

[40] σχῆμα.

So, too, the priests who perform the funeral or make vigils to him and the offerings.

The twenty-fourth canon. Because of the evil inclination there is for some, some quarrel with someone of the brothers so that they * p. 64 leave the sheepfold of the church * and go to law before outsiders through which abuses and harms are caused, (such as) these shall come under the anathema of God; they shall not enter the church and shall not participate in the holy mysteries.

The twenty-fifth canon. These who eat meat on Friday or drink wine during the period of the fast shall be suspended from the church.

The canons of the blessed Mār Dionysios, patriarch of Antioch, the city of God, end (here)[41].

[LXII]

A CALCULATION OF INHERITANCES

Again, a foundation[1] for the calculation of inheritances according to the law[2] of the Arabs[3], and the emancipation of slaves and all their laws[4] and sentences[5].

Division of the inheritance: it is divided into six parts: a half is three (parts), a third[6] two, a sixth[7] is one part, a fourth[8] one part and a half, an eighth[9] three fourths[10] of a part.

(1)[11] The inheritance of a wife from her husband: a quarter[12], if she has no children or grandchildren.

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[41] The same text appears in Ms. Mardin Orth. 323, fol. 50b-55b.

[1] ܫܬܐܣܬܐ.

[2] νόμος.

[3] ܛܝ̈ܝܐ, طايى.

[4] νόμος.

[5] ܘܦܘܣ̈ܩܢܝܗܘܢ.

[6] ܬܘܠܬܐ, تلث.

[7] ܣܘܕܣܐ, سودس.

[8] ܪܘܒܥܐ, ربع.

[9] ܬܘܡܢܝܐ, ثمن.

[10] ܪܘܒܥܐ, ربع.

[11] The following legal document appears in two known manuscripts: Ms. Br. Mus. Add. 18, 295, fol. 141a-146b and Ms. Cambr. Add. 2023, fol. 8b-16a. The first is of the year 1914 A.Gr., i.e. 1602/3 and the second is of the 13th. cent. These texts have been edited by Kaufhold, *Syrische Texte*, p. 126-184, namely § 51-155. Thus the present codex emerges as the earliest witness. The present document is closest to the manuscript in the British Museum which begins in the same way. The codex in Cambridge first brings another set of laws on inheritance and in the second part differs in many ways as a different recension. It, however introduces these texts under

If she has children or grandchildren she has the eighth[13].

The inheritance of the wife from her husband shall not be diminished[14] less than the eighth[15] and also must not be increased above a quarter[16]; even if they are two or three, an eighth[17] or a quarter[18] is for them.

(2) The inheritance of the man from his wife: the half to the man, when she has no children or grandchildren.

But if she has children or grandchildren he will inherit a quarter[19].

The inheritance from his wife to him cannot be increased to something more than the half and cannot be diminished to less than a quarter.

(3) The inheritance of the father from his son: if his son has sons, * the father inherits from him with his grandsons the sixth[20]; it cannot be diminished for him from this. * p. 65

(4) (However,) with the daughters, if they are two or if many, two thirds[21] to all the daughters and the rest goes to the father.

If there is one daughter, a half to the father and a half to the daughter, while the wife takes her eighth (part).

(5) The inheritance of the mother from her son if her son has children or grandchildren :

The third to the mother, if her son has no son or daughter or grandson; if he has these, she has the sixth, for the offspring of her son hinders (her) from the complete[22] third.

(6) The inheritance of the mother from her son when he has

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the name of Patriarch Mār Jōḥannān. The opinion that Jōḥannān bar Abgārē was the author of these legal texts, presented by KAUFHOLD, *Syrische Texte*, p. 92, is in the light of the total evidence which has emerged in new discoveries, a mistake. About these questions, see VÖÖBUS, *Islamic Law in Syriac*. There is a third source in Ms. Br. Mus. Add. 18, 715, fol. 250a-252b, but this represents a shortened recension of this record.

[12] ܪܘܒܥܐ, ربع. In order to bring out the profile of these legal traditions and their origin, at the beginning of these laws some comments are necessary about the injunctions fixed in the Koran. The ruling just introduced is the quota fixed by the Koran. Cf. Sura IV, 12.

[13] ܬܘܡܢܐ, ثمن. Both quotas are fixed by the Koran. Cf. Sura IV, 12.

[14] Or: reduced.

[15] ܬܘܡܢܐ, ثمن.

[16] ܪܘܒܥܐ ربع.

[17] ܬܘܡܢܐ, ثمن.

[18] ܪܘܒܥܐ, ربع.

[19] ܪܘܒܥܐ ربع. Both quotas are fixed by the Koran. Cf. Sura IV, 11.

[20] ܣܘܕܣܐ, سادس. This is the quota fixed by the Koran. Cf. Sura IV, 11.

[21] ܬܘܠܬܐ, ثلث. This is the quota fixed by the Koran. Cf. Sura IV, 11.

[22] ܡܫܡܠܝܐ. Both injunctions rest on the quotas fixed by the Koran. Cf. Sura IV, 11.

brothers or sisters: she takes the sixth if he has these, and the rest goes to the father.

The same if they have brothers.

(7) The inheritance of sisters from the man: if he has a daughter and one sister, they divide equally.

If he has one daughter but two or many sisters, a half is to the daughter and the rest is to all the sisters.

If there are two daughters or many, they take two thirds and the rest is to the sister—if there is one sister or there are many.

When there are no sisters the daughter takes the half and the rest (goes) to the lineage[23] of the father.

(8) Inheritance of the sister with the daughter of the daughter of the son:

The half to the daughter, the sixth part to the daughter of the son and the rest to the sister.

(9) Inheritance of the daughter of the son with a daughter:

The half to the daughter and the rest of the inheritance to the daughter of the son if there is one or more[24].

(10) Inheritance of the daughter of the son and the daughter of the grandson, when they have with them the son of the son and the daughter of the husband:

The half to the daughter, one sixth to the daughter of the son and the rest to the son of the son; and he returns to[25] one who is above him[26].

Two parts to the males but one to the females[27].

(11) Inheritance of the daughter of the son with a daughter of the
* p. 66 husband, when * these two are his daughters, unless there is a brother to the daughters of the son who inherits and his sisters inherit of him:

The half to the daughter and the children of the son take the rest.

Males and females, two (parts) to the males and one to the female.

(12) Inheritance of two daughters, the daughters of the son and the son of the grandson:

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[23] ܬܘܗܡܐ family, lineage.

[24] This paragraph is missing in Ms. Br. Mus. Add. 18, 295, fol. 141a, as § 59 in KAUFHOLD, *Syrische Texte*, p. 130. In a different recension the text appears in Ms. Br. Mus. Add. 18, 715, fol. 250b.

[25] ܘܡܗܦܟ in Pael it means to turn, change, overthrow, in Aphel to overthrow, upset, and to restore, to return.

[26] The sense of this paragraph is not clear. Does this mean that another division takes place? Or has the text suffered here?

[27] This is the quota fixed in the Koran, see Sura IV, 10.

Two thirds to the daughters and the rest to the son of the grandson, he takes along with those who are with him, his sisters and his aunts if he has.

The male[28] (offspring receives) two (parts), the female one (part).

(13) Inheritance of the daughter of the son and the sons of the son with the legitimate[29] son of the one who dies:

The son of the son and the daughters of the son inherit nothing with the legitimate son.

(14) Inheritance of the daughters of the son when the deceased has no legitimate daughter[30]:

The daughters of the son inherit instead of the legitimate daughters when the dead one is deprived of daughters.

(15) Inheritance of the son of the son and the daughters of the son when they are children of the uncle among themselves:

Since the son of the son excels the son of the uncle, the inheritance is due to him.

(16) Inheritance of the (full) sisters who are of the (same) father and mother with those who are from the father only:

When there are two sisters or more from the same father and mother, they have two thirds.

There is nothing to the sister who is from the father only.

(17) Inheritance of the sisters who are from the (same) father with one full[31] sister:

To the full[32] sister one half and to all sisters who are from the father one sixth, (to the) completion[33] of the two-thirds.

(18) Inheritance of brothers and sisters who are from the (same) father with a full[34] sister:

The full sister takes the half and the rest is (divided) between brothers and sisters who are from the father (only), for the female a half of the male.

* (19) Inheritance of two full[35] sisters or more with * brothers and * p. 67 sisters who are from the father (only):

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[28] This is a paragraph which appears only in Ms. Br. Mus. Add. 18, 295.

[29] ܫܪܝܪܬܐ true, real.

[30] ܫܪܝܪܬܐ true, real. The manuscript wrongly reads here "the son".

[31] ܬܪܝܨܬܐ right lawful. In the Koran full sisters inherit as the daughters if there are no children; Sura IV, 176.

[32] ܬܪܝܨܬܐ right, lawful.

[33] ܫܘܡܠܝܐ.

[34] ܬܪܝܨܬܐ right, lawful.

[35] ܬܪ̈ܝܨܬܐ right, lawful.

Two thirds for the full sisters and the rest for the brothers and sisters who are from the father (only).

(20) Inheritance of the wife of the husband and his two parents:

One of the fourth part for his wife, when there are no children.

Likewise the mother (takes one fourth) but for the father two fourths which remain.

(21) Otherwise[36]: some adjudge first one third of the heritage to the mother, one fourth to the wife, and the rest to the father.

(22) Inheritance of the husband from his wife when her father and mother are alive and she has no children:

The half of the heritage for the husband, one third of the rest, which is one sixth, to the mother, and the rest to the father.

(23) Inheritance of the husband from his wife when she has a mother, sisters and brothers from the mother, and brothers and sisters from the father and mother:

The half for her husband, one sixth to her mother.

And the rest (is distributed) equally between her brothers and sisters, for the male and female likewise.

(24) Inheritance of the husband from his wife when she has a sister, a mother and the father of her father:

First the heritage is divided into twenty-seven parts.

Nine[37] to her husband, six to her mother, four to her sister, eight to her grandfather.

(25) Otherwise[38], too: the (inheritance) is divided into six parts:

Three to her husband, one to her sister, one to her mother and one to her grandfather.

(26) Otherwise[39] it is divided into nine parts:

Three to her sister, three to her husband, two to her mother and one to her grandfather.

(27) Inheritance of the husband from his wife when she has a mother, brothers and grandfather on the mother's side:

The half to her husband, one sixth to the mother, one sixth to the grandfather.

* p. 68 * (28) Inheritance of the sons of the uncle on the father's side of the wife from which one is her (half) brother from her mother :

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[36] Or: on the other hand.

[37] This is the quota for the husband fixed in the Koran, Sura IV, 12.

[38] Or: on the other hand.

[39] Or: on the other hand.

One third (is divided) between them and the rest (comes) to the sons of the uncle of the wife who is her (half) brother of her mother.

(29) Inheritance of two sons of the uncle on the father's side, one of them being her husband :

Her husband takes the half.

And the half that remains shall be divided between them equally: three fourth to her husband and one fourth to the son of her uncle who is the brother of her husband.

INTERCALATION[40]

Another way of inheritance between close relatives[41]:

(1) The son of the one who has deceased is closer in heritance than the grandson of one who has deceased.

(2) After him the (full) brother from the (same) father and mother.

(3) After this the (half) brother who is from the father (only).

(4) And then the sons of the brother who are from the (same) father and mother.

(5) Then the sons who are from the brother from the (same) father.

(6) Afterwards the uncle from the (same) father and mother.

(7) And then the uncle who is from the father; the uncle from the father (only) inherits nothing.

(8) Then the sons of the uncle (on the father's side) inherit, who are from the (same) father and mother.

(9) And these others who are above them in the family[42] in the same manner.

Another way of inheritance:

(10) Among women only six inherit: the daughter, the daughter of the daughter, the wife, the grandmother, the mother and the sister.

(11) The close(st) of all (relatives) is the son.

(12) And after him the son of the son.

(13) And after him the father.

(14) And after him the grandfather.

(15) And after him the brother.

* (16) After this one the son of the brother. * p. 69

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[40] The following portion is an insertion; however, it appears also in other manuscripts.

[41] γένος.

[42] ܛܘܗܡܐ family or lineage.

(17) And then the uncle (on the father's side).

(18) And then the son of the uncle.

(19) The brother or the sister from the father (only) does not inherit at all from him who died when he has a child or a grandchild, either male or female.

(20) The (half) brother from the mother does not inherit anything with the grandfather (on the father's side) of the deceased[43].

* * *

(30) Inheritance of the grandfathers and grandmothers from the grandsons:

Some judges say it is not right to inherit from her grandson anything when the father of the child[44] is alive.

(31) Some (others) say: she takes the sixth[45] part when her son is alive.

(32) If there is one or there are two grandmothers they take one third[46] or one sixth.

(33) When (the grandson) has no father and no mother, the mother of his father and the mother of his mother inherit.

(34) As many as are the grandmothers, they inherit, both of the one who had deceased, the mother of his mother and the mother of his father[47].

(35) The two (grandmothers) of his father: the mother of his father and the mother of his mother—they have one sixth.

If one is dead and one remains the one sixth is her own.

If both of them are dead the sixth goes to the three who remain, i.e., the two grandmothers of his father and one (grandmother), the mother of the mother of his mother.

This one sixth (is shared) among them equally.

If only one remains, this one sixth belongs to her.

No one deprives the grandmothers of the sixth except the mother of the dead (one)[48].

If she is alive these (grandmothers) inherit nothing with her.

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[43] The end of the intercalation.

[44] Lit. boy.

[45] ܣܘܕܣܐ, سادس.

[46] ܬܘܠܬܐ, ثلث.

[47] So far as the injunctions of the Koran are concerned, there is no fixed quota for the grandmother.

[48] In the Koran the grandfather does not appear among the heirs. The Islamic jurisprudence, however, has regarded his rights almost equal to those of the father.

* (36) Inheritance of the grandfather who is the father of the father: * p. 70

The grandfather takes together with the brothers and the sisters of the dead (one)—one third.

If the brothers of the one who died are of the (same) father and mother, and reach five (in number) he (the grandfather) takes the one sixth and the rest is (divided) between them.

The brother from the father (only) inherits nothing when the grandfather is alive.

(37) Others, however, say: there is no inheritance to the brothers and sisters when the father of the father is living because he replaces[49] the father like Adam is our father and Abraham your father.

(38) Inheritance of the brother and the grandfather (on the father's side):

Both divide equally.

If there are two brothers with a grandfather, one third to everyone.

If there are three brothers and a grandfather, one fourth[50] for each one.

(39) Inheritance of the grandfather and the sister:

These also divide equally.

(40) Some others grant to the grandfather two parts from the whole heritage, and one to the sister.

(41) If there are two sisters, one third[51] to the grandfather, and the rest to them[52].

(42) Again others say[53]: one half to the grandfather and (the other) half to both sisters.

(43) If there are three sisters, in like manner: one third to the grandfather and two thirds to three of them.

(44) Others, however, divide the heritage into five parts:

Two parts to the grandfather, one part to each of the three sisters.

(45) If there are four sisters, the part of theirs is divided between them.

(46) Inheritance of the grandfather with a full[54] sister and a (half) sister who is from the father only:

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[49] Lit. in the place of. [50] ܪܘܒܥܐ, ربع. [51] ܬܘܠܬܐ, ثْلث.

[52] This fills the lacuna that exists in Ms. Br. Ms. Add. 18, 295, fol. 143a. Cf. KAUFHOLD, *Syrische Texte*, p. 148.

[53] This fills the lacuna at the beginning of the paragraph in Ms. Br. Mus. Add. 18, 295, fol. 143a; cf. KAUFHOLD, *Syrische Texte*, p. 148.

[54] ܬܪܝܨܬܐ right, lawful.

One half to the full sister, one sixth to the (half) sister who is from the father (only) and one third to the grandfather[55].

* p. 71 * (47) Otherwise[56], one full[57] sister with two (half) sisters who are from the father (only), and the grandfather.

The heritage is divided in five parts, two to the grandfather, and one part to the sisters severally.

Then the full sister enters and takes from the sisters of the father the completion[58] of the half of the heritage.

What remains, which is one tenth[59], is distributed between them equally.

(48) Inheritance of a full[60] sister with a (half) brother who is from the father (only) and a grandfather:

The heritage is divided in ten parts, four to the grandfather, five[61] to the (full) sister, and one to the (half) brother who is from the father (only).

(49) Inheritance of the grandfather with a full[62] sister and a (half) brother and a (half) sister who are from the father (only):

The heritage is divided in ten parts: five[63] to the full sister, two to the grandfather, two to the (half) brother who is from the father (only), and one to the (half) sister who is from the father (only)[64].

(50) Otherwise[65]: the heritage is divided thus: one half to the grandfather, the other half to the full[66] sister.

(51) However, as it was mentioned (some) give nothing in heritage to (half) brothers.

(52) Inheritance of two (full) sisters who are from the same father and mother with a (half) brother who is from the father (only) and a grandfather.

Two thirds of the whole heritage to the two full[67] sisters, the rest (is divided) equally between the (half) brother and the grandfather.

(53) However, others exclude the (half) brother who is from the father (only) from the heritage and justify the above ones.

(54) Inheritance of two full sisters with a (half) sister who is from the father only and a grandfather:

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[55] See footnote 48.

[56] Or: on the other hand.

[57] ܙܕܝܩܬܐ right, lawful.

[58] ܫܘܡܠܝܐ.

[59] عاش.

[60] ܙܕܝܩܬܐ right, lawful.

[61] خاسس.

[62] ܙܕܝܩܬܐ right, lawful.

[63] خاسس.

[64] Regarding the grandfather, see footnote 48.

[65] Or: on the other hand.

[66] ܙܕܝܩܬܐ right, lawful.

[67] ܙܕܝܩܬܐ right, lawful.

Two thirds of the heritage to the (full) sisters who are from the (same) father and mother, the rest is to the grandfather.

However, the (half) sister who is from the father (only) inherits nothing with these.

(55) Inheritance of the grandfather with a sister and mother:

* The heritage is divided into six parts: three parts to the sister, two to the mother, and one to the grandfather[68]. * p. 72

(56) Inheritance of the brother, the mother and the grandfather:

They partake equally.

(57) Inheritance of two sisters, with a grandfather and a mother:

The heritage is divided in twenty-four parts, four to the mother, ten to the grandfather, and five[69] to each sister.

(58) Inheritance of three sisters with a grandfather and the mother:

One sixth to the mother, one third to the grandfather, and one sixth to each of these three sisters.

(59) Inheritance of four sisters with a mother and a grandfather.

The heritage is divided in thirty-six parts, the sixth part to the mother, the tenth[70] to the grandfather, i.e., the third of what remains and five parts to each of the four sisters.

(60) Inheritance of a full[71] sister with a (half) sister who is from the father only, a grandfather and a mother:

The half to the full sister, one sixth to the (half) sister who is from the father only, one sixth to the grandfather, and one sixth to the mother[72].

(61) Otherwise[73]: the heritage is divided in twenty-four parts:

The mother takes four, the grandfather ten, the sisters five[74] each; then the (half) sister who is from the father (only) returns[75] her portion to the (full) sister who is from the (same) father and mother.

(62) Inheritance of a full sister with a (half) brother and a (half) sister who is from the father (only), a grandfather and a mother:

The half to the full sister, one sixth to the mother[76], and what remains to the (half) brother and (half) sister who are from the father (only); two parts to the male and one to the female.

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[68] Regarding the grandfather, see footnote 48.

[69] خامس.

[70] عاشر.

[71] ܙܕܝܩܘܬܐ right, lawful.

[72] Regarding the quota for the mother, see the Koran, Sura IV, 11.

[73] Or: on the other hand.

[74] خامس.

[75] ܡܗܦܟܐ.

[76] ܙܕܝܩܘܬܐ right, lawful. The text is defective here; that also the grandfather takes his one sixth, we learn from Ms. Br. Mus. Add. 18, 715, fol. 251b.

(63) However, others say: one sixth to the mother, the half to the full sister, one third to the grandfather, and no heritage to the (half) brother and (half) sister who are from the father (only) with these.

* p. 73 * (64) Inheritance of the grandfather with a (full) brother who is from the (same) father and mother and a (half) brother who is from the father only:

The half to the full brother who is from the (same) father and mother, the (other) half to the grandfather[77].

He who is from the father (only) does not inherit.

(65) However, others say: two thirds to the (full) brother who is from the (same) father and mother, however, others say: two thirds to the (full) brother who is from the (same) father and mother, and the rest to the grandfather[78].

(66) Inheritance of two (full) brothers who are from the (same) father and mother and two (half) brothers who are from the father only, and the grandfather:

Two thirds, namely, to the full brothers who are from the (same) father and mother and the third that remains to the grandfather.

Those who are from the father (only) do not inherit[79].

(67) (Inheritance) of a mother with two full[80] sisters, a (half) brother who is from the father only, and a grandfather.

Two thirds to the full sisters, one sixth to the mother, one sixth to the grandfather.

No heritage to the (half) brother who is from the father (only).

(68) Inheritance of the husband, the mother, two full[81] sisters and a grandfather:

One half to the husband, two thirds to the sisters, one sixth to the grandfather.

These[82] (arrangements are feasible) when the heritage is divided in twenty-four parts.

(69) Others, however, say: one half to the husband, one sixth to the mother, one sixth to the grandfather, and one sixth to both of the sisters.

---

[77] See footnote 48.

[78] This text has suffered.

[79] About the half-brother, see page 73. see footnote 31.

[80] ܬܪ̈ܝܨܬܐ right, lawful.

[81] ܬܪ̈ܝܨܬܐ right, lawful.

[82] The calculation is wrong due to the defectiveness of the text; one sixth which goes to the mother, is missing here.

When the inheritance is divided in twelve parts: six to the husband, two to the mother, two to the grandfather, and two to the sisters.

(70) Inheritance of the husband, the mother, the (full) brother who is from the (same) father and mother, and a grandfather:

(The inheritance) is divided in six parts, three to the husband, one to the mother, one to the full brother, and one to the grandfather.

(71) Inheritance of the husband, the mother, the full sister, the (half) brother who is from the father only, and the grandfather:

One half to the husband, one sixth to the mother, one sixth to the sister[83].

The one who is from the father (only) does not inherit.

(72) Inheritance of the husband, the mother, the (full) sister and the full[84] brothers, and a grandfather.

(The inheritance) is divided in eighteen parts: nine[85] to the husband, three to the mother, * three to the grandfather, two to the full brother, and one to the full sister. * p. 74

(73) Inheritance of the husband, the mother, (full) sister, the (half) sister who is from the father (only), and the grandfather:

(The inheritance) is divided in six parts: three to the husband, one to the mother, one to the grandfather, one to the full[86] sister.

The one who is from the father (only) inherits nothing.

(74) Inheritance of the wife, the brother, and a grandfather:

One fourth to the wife and the rest is to be divided equally between the brother and the grandfather. (The heritance) is divided into sixteen parts, four to the wife, six to the brother and six to the grandfather.

(75) Inheritance of the wife with two brothers and a grandfather:

One fourth to the wife and the rest is divided equally between the grandfather and the (two) brothers. When the inheritance is divided into eight parts, two to the wife, four to the brothers, and two to the grandfather.

(76) Inheritance of a wife with three brothers and a grandfather:

One fourth to the wife and the rest is (divided) between them. (The inheritance) is divided into sixteen parts, four to the wife, three to the grandfather, and three to each of the three brothers.

(77) Inheritance of the wife with four brothers and a grandfather:

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[83] ܓܢܝܣܝܬܐ right, lawful.

[84] ܓܢܝܣܝܬܐ right, lawful.

[85] The text is defective. That one sixth goes to the grandfather, we learn from Ms. Br. Mus. Add. 18, 715, fol. 251b.

[86] ܓܢܝܣܝܬܐ right, lawful.

One fourth to the wife, one sixth to the grandfather, and the rest to the brothers.

(78) Inheritance of the grandfather with a wife and one sister:

One fourth to the wife, one half to the sister, and the rest to the grandfather.

(The inheritance is divided) in eight parts, two to the wife, four to the sister, and two to the grandfather.

(79) Otherwise[87]: two to the wife, two to the sister, and four to the grandfather.

(80) Inheritance of two sisters with a grandfather and a wife:

One fourth to the wife, two to both sisters, and one sixth to the grandfather.

* p. 75 (81) Otherwise[88] the inheritance is divided in sixteen parts, * four to the wife, six to the grandfather, and three to each sister[89].

(82) Inheritance of the wife with three sisters and a grandfather:

One fourth to the wife and the grandfather becomes (like) a partaking brother with the sisters.

The inheritance is divided into twenty parts, five to the wife, six to the grandfather, and three to each of three sisters.

(83) Inheritance of the wife with four sisters and a grandfather:

(The inheritance is divided) in eight parts, two to the wife, two to the grandfather, and four to his sisters, one to each.

(84) Inheritance of the wife, a full sister, a (half) sister who is from the father (only), and a grandfather:

(The inheritance) is divided into eight parts, two to the wife, three to the grandfather, three to the full[90] sister.

She who is from the father (only) inherits nothing.

(85) Inheritance of the wife with two full[91] sisters, one (half) sister who is from the father (only), and a grandfather:

The inheritance is divided into forty parts, ten to the wife, twelve to the grandfather, eighteen to both full sisters.

There is no inheritance to that (one) who is from the father (only).

(86) Inheritance of a wife with a full[92] sister, a (half) brother who is from the father only, and a grandfather:

One fourth to the wife, one half to the full sister, one sixth to the grandfather, and the rest to the brother who is from the father (only).

---

[87] Or: on the other hand.

[88] Or: on the other hand.

[89] Regarding the regulation for the sister in the Koran, see footnote 31.

[90] ܙܕܝܩܘܬܐ right, lawful.

[91] ܙܕܝܩܘܬܐ right, lawful.

[92] ܙܕܝܩܘܬܐ right, lawful.

The division is in twelve parts: three to the wife, six to the full sister, two to the grandfather, and one to the brother who is from the father (only).

(87) Otherwise[93]: one half to the full[94] sister, one fourth to the wife, and the rest to the grandfather. The (half) brother who is from the father (only) does not inherit.

The division is in four parts, one to the wife, one to the grandfather, two to the full sister.

(88) Otherwise[95] also: (the inheritance) is divided in twenty parts, five to the wife, six to the grandfather, and nine to the sister.

* (89) Inheritance of a wife with a full[96] sister, a (half) brother and (half) sister who are from the father (only), and a grandfather. * p. 76

One fourth to the wife, one half to the full sister, one sixth to the grandfather, and the rest (is divided) between the (half) brother and the (half) sister who are from the father (only).

(The inheritance) is divided in thirty-six parts, nine to the wife, eighteen to the full sister, six to the grandfather, two to the (half) brother who is from the father (only), and one to the (half) sister who is from the father (only).

(90) Otherwise[97]: one fourth to the wife, one half to the full[98] sister, and the rest to the grandfather.

But the (half) sister and the (half) brother who are from the father (only) do not inherit.

(The inheritance) is divided into four parts, one to the wife, two to the full sister, and one to the grandfather.

(91) Inheritance of the wife, the mother, and the grandfather:

One fourth to the wife, one third to the mother, and the rest to the grandfather. (The inheritance) is divided in twelve parts.

(92) Otherwise[99]: one fourth to the wife, one third of what remains to the mother, and the rest to the grandfather.

(93) Inheritance of the wife, the mother, the brother and a grandfather:

One fourth to the wife, one third to the mother, and the rest equally to the grandfather and the brother.

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[93] Or: on the other hand.

[94] ܙܕܝܩܬܐ right, lawful.

[95] Or: on the other hand.

[96] ܙܕܝܩܬܐ right, lawful.

[97] Or: on the other hand.

[98] ܙܕܝܩܬܐ right, lawful.

[99] Or: on the other hand.

(94) Otherwise[100]: (the inheritance) is divided into twenty-four parts, four to the mother, six to the wife, seven to the grandfather, seven to the brother.

(95) (The inheritance) is divided into four parts, one to the wife, one to the mother, one to the grandfather, and one to the brother.

(96) Inheritance of the wife, two brothers, the grandfather, and the mother:

One sixth to the mother, one fourth to the wife, the rest is equally divided (between) the grandfather and the brothers.

(The inheritance) is divided into thirty-six parts, six to the mother, nine to the wife, and seven to each of the brothers and the grandfather.

(97) Inheritance of the mother, the wife, three brothers, and the grandfather:

* p. 77 * One sixth to the mother, one fourth to the wife, one sixth to the grandfather, and the rest to the brothers.

(98) Inheritance of the mother, a full sister, a grandfather, and a wife:

The inheritance is divided into thirty-six parts, twelve to the mother and nine to the wife, ten to the grandfather, and five to the sister.

(99) Inheritance of the wife, the mother, two sisters, and a grandfather:

The inheritance is divided into forty-eight parts, twelve to the wife, eight to the mother, fourteen to the grandfather, and seven to each of the sisters.

(100) Inheritance of the mother, the wife, three sisters, and a grandfather:

The inheritance is divided into sixty parts: one sixth to the mother, i.e., ten, one fourth to the wife, i.e., fifteen, to the grandfather fourteen, and to each of the three sisters, seven.

(101) Inheritance of the wife, the mother, four sisters, and the grandfather:

The inheritance is divided into seventy-two parts: one fourth to the wife, i.e., eighteen, one sixth to the mother[101], i.e., fourteen, and the rest (is distributed) between the four sisters, seven parts to each one.

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[100] Or: on the other hand.

[101] The text has suffered here. At this place there should follow "twelve" as the quota for the mother, and in addition also a reference to the grandfather. It must be an old scar since it appears also in Ms. Br. Mus. Add. 18, 295, fol. 145b.

(102) Inheritance of the grandfather, the mother, the wife, a full sister and a (half) sister who is from the father only.

The inheritance is divided into twenty-four parts: four to the mother, six to the wife, seven to the grandfather, and seven to the full sister.

(103) Inheritance of the mother, the wife, a full[102] sister, a (half) brother and a (half) sister who are from the father only, and the grandfather:

(The inheritance) is divided into thirty-six parts: six to the mother, nine to the wife, seven to the grandfather, fourteen to the full sister.

Those who are from the father only inherit nothing.

(104) Inheritance of the mother, the wife, a full sister, a (half) brother[103] who is from the father only, and the grandfather:

The inheritance is divided into sixty parts: ten to the mother, fifteen to the wife, fourteen to the grandfather, twenty-one to the full sister.

That (one) who is from the father (only) inherits nothing with them.

* (105) Inheritance of the daughter and the grandfather: * p. 78

They share equally.

(106) (Inheritance of) two daughters and the grandfather:

Two thirds to both sisters and one third to the grandfather.

(107) Inheritance of the daughter, the sister, and the grandfather:

The half to the daughter, one sixth to the grandfather, and the rest to the sister[104].

(108) However, some others say: the half to the daughter and the sister and the grandfather shall divide the rest equally.

(109) Inheritance of the daughter, two sisters and a grandfather:

The half to the daughter, one sixth to the grandfather, and the rest (is divided) between the two sisters.

(110) Otherwise[105]: the inheritance is divided into eight parts: four to the daughter, two to the grandfather, and one to each of both sisters.

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[102] ܙܕܝܩܬܐ right, lawful.

[103] ܙܕܝܩܬܐ right, lawful. Since Ms. Br. Mus. Add. 18, 295 and Ms. Cambridge 2023 read in the same way, Kaufhold's translation "Halbschwester" is misleading, *Syrische Texte*, p. 175

[104] Regarding the regulation for the sister, see footnote 31.

[105] Or: on the other hand.

(111) Inheritance of the daughter, three sisters and the grandfather: The half to the daughter, one sixth to the grandfather, and the rest to the sisters.

(112) It is divided into ten severally, five to the daughter, two to the grandfather and one to each of the three sisters.

(113) Inheritance of the daughter, four sisters, and a grandfather: (The inheritance) is divided into twelve (parts): six to the daughter, two to the grandfather, and one to each of the sisters.

(114) Inheritance of the daughter, five sisters, and a grandfather: The half to the daughter, one sixth to the grandfather, and one sixth[106] to the sisters. (The inheritance) is divided into twelve parts.

(115) Inheritance of the daughter, the mother, the grandfather, and a brother:

One sixth to the mother, one sixth to the grandfather, and the rest to the brother[107].

The grandfather is not to be deprived of the one sixth even there are many children.

(116) Inheritance of the daughter, the brother, and the grandfather: One half to the daughter, one sixth to the grandfather, and one third to the brother.

(117) Others, however, say: the half to the daughter, and the half which remains shall be divided equally between the grandfather and the brother.

* p. 79 * (118) Inheritance of the daughter, two brothers, and a grandfather: The half to the daughter, one sixth to the grandfather, and the rest (is divided) between the brothers equally.

(119) Inheritance of the daughter, a full[108] sister, the mother, the grandfather, and a (half) brother who is from the father (only).

The half to the daughter, one sixth to the mother[109], and the rest to the full sister.

The inheritance is divided into eighteen parts, nine to the daughter, three to the mother, three to the grandfather, and three to the sister.

(120) Inheritance of the daughter, the mother, the sister, and a grandfather:

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[106] The text is defective here; instead of "one sixth" the text should read "a third".

[107] The text is defective here; the correct text has been preserved by Ms. Br. Mus. Add. 18, 715, fol. 252b.

[108] ܙܕܝܩܬܐ right, lawful.

[109] The text is defective here; the part "one sixth to the grandfather" has fallen out.

(The inheritance) is divided in six parts: three to the daughter, one to the sister, one to the mother, and one to the grandfather.

(121) Inheritance of the daughter, the mother, two sisters, and a grandfather:

The half to the daughter, one sixth to the grandfather, one sixth to the mother, and one sixth to the sisters.

But if (the inheritance) is divided into twelve parts: six to the daughter, two to the mother, two to the grandfather, and one to each of both sisters[110].

(122) Inheritance of the daughter[111], three sisters, and a grandfather:

The half to the daughter, one sixth to the mother, and one sixth to the grandfather, and the rest to the sisters.

(123) Inheritance of the daughter, the mother, a wife, a sister, and a grandfather:

The half to the daughter, one eighth to the wife, one sixth to the mother, one sixth to the grandfather, and the rest to the sister.

(The inheritance) is divided into twenty-four (parts): twelve to the daughters, three to the wife, four to the mother, four to the grandfather, and one to the sister.

(124) Inheritance of the daughter, a (full) brother and full[112] sister, and a grandfather:

The half to the daughter, one sixth to the grandfather, and the (full) brother and the full sister shall divide the rest, two parts to the male and one to the female.

(The inheritance) is divided into thirty-six parts: eighteen to the daughter, six to the grandfather, eight to the brother and four to the sister.

(125) Inheritance of the daughter, the wife, the grandfather, and the sister:

* The half to the daughter, one eighth to the wife, one fourth to the grandfather, and one eighth to the sister. (The inheritance) is divided into eight parts. * p. 80

(126) Inheritance of the daughter, the wife, two sisters and a grandfather:

---

[110] Here our witness completes the defective text in Ms. Br. Mus. Add. 18, 295, fol. 146a.

[111] The text is defective here, having lost the reference to the mother.

[112] ܓܢܣܝܬܐ right, lawful.

(The inheritance) is divided into thirty-two parts[113], fifteen to the daughter, four to the wife, six to the grandfather and six to both of the sisters, three to each[114].

(127) Inheritance of the daughter, the wife, three sisters, and a grandfather[115]:

(The inheritance) is divided into seventy-two parts: thirty-six to the daughter, nine to the wife, twelve to the grandfather, and five to each of the sisters.

(128) When heirs shall come to the judge to divide (the inheritance) and one of them says: "We have another brother", but the others shall not admit him, the inheritance of this intruder[116] comes out of the part of the one who acknowledged him so that the parts of the others do not suffer loss.

He, however, takes the fourth of the part of the one who acknowledged him.

(For example)—there are three sons and two daughters. If one of the sons confesses that he has another brother and the others do not recognize him, the inheritance is divided into forty parts: ten to every male of the children, the intruder being out, and five to each daughter. Then you introduce this fourth one and you distribute anew for the four sons and two daughters. Those are forty parts: to every male comes eight parts and to the female four. Thus you resolve[117] (the case) for them, and you give to those who did not recognize him what comes to them according to the first computation, i.e., ten portions to the male, and five to the female.

As for the one who introduced the additional brother, you give him what comes to him according to the other computation, i.e., eight parts; and the two that remain (go) to that intruder[118].

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[113] The text is defective here; according to this calculation the number of the units would be 31.

[114] Ms. Br. Mus. Add. 18, 295, fol. 146a presents the original form of the paragraph; according to this the inheritance is divided into 32 units and the daughter receives 16 parts.

[115] There is a gap in the text here which is supplemented by Ms. Br. Mus. Add. 18, 715, fol. 252b which has preserved the text in its entirety. The lost part reads: "A half for the daughter, an eighth to the wife, one sixth to the grandfather, and the rest for the sisters".

[116] ܥܠܝܠܐ.

[117] ܫܪܐ to loosen, untie, absolve.

[118] This document appears also in two other unknown codices: Ms. Mardin Orth. 316, quire 14, fol. 2a-5b and Ms. Mardin Orth. 323, fol. 171a-180b.

[LXIII]

A CHAPTER[1] REGARDING WILLS[2], I.E., THE TESTAMENTS[3]

(1)[4] When there are three heirs and there are three thousand (units) of money then everyone of the heirs takes one thousand.

* (2) Then one of the heirs says that his father offered a third of * p. 81 his goods to such a one, and the others do not accept the one who has the third, he receives a third of the one thousand which is the part of the one who recognized him according to the testament[5].

(3) Those who rejected him have no obligation to give anything.

(4) Manage in this way if there are more heirs and (if) there is much money, distribute in the same way.

(5) When two heirs testify (regarding the validity of) the testament[6], their testimony obliges them and the rest of the heirs.

(6) If they confessed something but did not testify and what they confessed is a kind of order[7], (this order) is imposed on their part only, not on (that) of the rest of the heirs.

(7) And this because they did not testify but confessed.

(8) If they had testified, their testimony would be accepted by the whole company[8] of brothers.

(9) This on the condition that they are worthy to be accepted as true witnesses.

(10) If they are reprehensible in conduct and are not accepted as true witnesses, their testimony is abolished for themselves and for others.

(11) If two witnesses have given testimony about their father that he divided the third of his goods to such a one (and) then afterwards two of the heirs testify that the father reversed his order and gave it to another, the testimony of the first ones is annulled and that of the second ones is valid[9].

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[1] ܩܦܠܐܘܢ, κεφάλαιον.

[2] The term is ܦܘܩܕ̈ܢܐ commandments.

[3] διαθήκη.

[4] This text appears in Ms. Br. Mus. Add. 18, 295, fol. 146b and in Ms. Cambridge Add. 2023, fol. 16a-16b, and in a different version also in Ms. Br. Mus. Add. 18, 715, fol. 252b, but they all are younger; in several places the transmission of the text in these witnesses is inferior.

[5] διαθήκη.

[6] διαθήκη.

[7] ܦܘܩܕܢܐ command, decree.

[8] ܓܘܐ.

[9] The term used here is ܡܫܪܪܐ, established.

(12) (However, this) under condition that they are not reproached and are worthy to be accepted.

(13) If one of the heirs recognizes someone as a close relative[10] but the rest of the heirs reject him, the kinship is not valid unless all other recognize him[11].

* p. 82

* [LXIV]

REGARDING THE EMANCIPATION OF THE SLAVES

(1)[1] When someone frees a part[2] in a slave, he cannot be sold anymore.

(2) When the emancipated slave dies, his heritage is divided between his masters.

(3) To everyone as many parts as he had in the slave before his emancipation.

(4) When the emancipated slave dies, and he has a father who is entirely free, he inherits him.

(5) If the half of his father is emancipated, and he has a brother of whom the half is emancipated, his father inherits the half and the brother the half.

(6) If he has no father and has a full[3] brother emancipated, he takes the whole heritage.

(7) If his half is emancipated, he takes the half of the heritage.

(8) If he has a brother who is from the father (only) and is entirely emancipated, he takes the rest of the heritage.

(9) If the half is emancipated, he takes a half of the rest, i.e., the fourth[4] part, and what remains is for his lords[5] or masters.

(10) If the half of the father is emancipated, and the (half) brother

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[10] γένος.

[11] The same text appears in other new sources, namely in Ms. Mardin Orth. 316, quire 14, fol. 5b and Ms. Mardin Orth. 323, fol. 180b-181b.

[1] This text appears in Ms. Cambr. Add. 2023, fol. 17b and Ms. Br. Mus. Add. 18, 715, fol. 253a, but these sources are younger.

[2] Lit. portion. This is a text which in several respects goes its own way.

[3] Lit. right, lawful.

[4] ܪܘܒܥܐ, ربع.

[5] ܡܘ̈ܠܝܐ, موالى.

who is from the father (only) is entirely emancipated, they share equally.

(11) When the emancipated slave dies, and has a father the half of whom is emancipated and a brother from the mother (entirely) emancipated, the heritage is divided into twelve parts: six to the father and one to the brother who is from the mother which is the half of the sixth[6] because the father took the half of the heritage and hindered[7] him to inherit a complete sixth[8]; the rest goes to his masters[9].

* (12) If the deceased has a free sister from the father and the mother, and his mother has a fourth[10] part emancipated and her uncle is emancipated, the inheritance is divided into twelve portions; six[11] to the sister, one to the mother, and five to the uncle[12]. * p. 83

[LXIVa[1]]

[OTHER MATTERS]

(1)[2] Inheritance of the aunts (on the father's side): the (full) aunt from the father and the mother, the (half) aunt from the father, the (half) aunt from the mother: the whole heritage is given to the (full) aunt who is from the father and mother.

(2) The aunts on the mother's side: the (full) aunt from the father and mother, the (half) aunt from the father: the full aunt inherits everything[3].

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[6] ܣܘܕܣܐ, سادس.

[7] Or: prohibits.

[8] سادس.

[9] موالى.

[10] ربع.

[11] سادس This document displays a number of interesting features and presents a better textual tradition. This paragraph which is entirely different from both known manuscripts serves as an illustration regarding its independent tradition

[12] The same text appears in other new sources, namely in Ms. Mardin Ort. 316, quire 14, fol. 5b-6a and Ms. Mardin Orth. 323, fol. 181b.

[1] The break for a new section is natural; it occurs in Ms. Mardin Orth. 316, quire 14, fol. 6a.

[2] This text appears in Ms. Cambridge Add. 2023, fol. 16aff. and Ms. Br. Mus. Add. 18, 715, fol. 252bff. The present source displays a different arrangement and goes its own way.

[3] This text is entirely different from Ms. Cambridge Add. 2023, fol. 16a; cf. § 157b in KAUFHOLD, *Syrische Texte*, p. 184.

(3) Inheritance from the aunt on the father's and mother's side: two parts to the aunt on the father's side, to that on the mother's side one part. The aunt on the father's side is instead of the uncle but the aunt of the mother's side is instead of the mother—so say some[4].

(4) Inheritance of the uncle on the mother's side: the uncle on the mother's side inherits when there is no heir and he repays the debts of the deceased.

(5) When, however, the one who dies has no heirs he is authorized to leave by will[5] his property and money to anyone he wishes.

(6) If he does not leave by will, what he has is for the church.

(7) No one is allowed to leave by will but the third[6] of his goods.

(8) What exceeds the (third part) is illegal[7], because it is not his own.

(9) If he left by will this third[8] (part) to one of the heirs, this (testament) is (invalid), except by agreement of all the heirs.

(10) If he leaves by will to an unbeliever, (this testament) is invalid[9].

(11) If a Christian leaves by will to a church or to a monastery (that the goods so left) be spent on its construction[10], his will[11] is valid[12].

* p. 84 * (12) If he wills that a church or a monastery be built on land which belongs to him, (his testament) is valid.

(13) If he does this during his lifetime, i.e., he builds a church, the heritage is among the heirs, not as the rest of (his) wills[13].

(14) Likewise is it valid for the Jews and the Magi, who leave by will to the synagogue or to the house of fire[14].

(15) A Moslem[15] does not inherit a Christian and a Christian does not inherit a Moslem.

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[4] Lit. companions, comrades.

[5] The term employed here is ܦܩܕ which reflects the legal terminology in Arabic; cf. توصية.

[6] ܬܘܠܬܐ, ثُلث.

[7] Lit. not ratified.

[8] ثُلث.

[9] This text introduces a new feature which for the first time emerges here.

[10] Or: restoration.

[11] ܦܘܩܕܢܐ used similarly as ܦܘܩܕܐ cf. وصى.

[12] Lit. ratified.

[13] This text clarifies the meaning of the sentence. The text in Ms. Cambridge Add. 2023, fol. 18a is corrupt and the conclusions by Kaufhold based on his emendation are too farfetched; cf. *Syrische Texte*, p. 126, 210.

[14] About the importance of this text, see VÖÖBUS, *Islamic Law in Syriac*, p. 10f. This paragraph has been preserved only by this manuscript.

[15] ܡܫܠܡܢܐ, مسلم.

(16) Similarly the Jews and the Magi unless he is his slave. Regarding this the judges[16] entirely agree.

(17) ...[17] more than fifty...[18] what (is the) heritage of him who becomes a Moslem before the heritage will be divided; it is divided on (the basis of) these parts (mentioned) above and he inherits of it.

(18) Otherwise, if a Moslem[19] dies and leaves heirs who are not of his confession, if they become Moslems after his death, they receive nothing of his heritage; however, those who were Moslems before his death, they alone inherit him.

(19) It is not lawful for any one to cut the liberty of his slave or to sell them.

(20) About a slave who takes a free wife: his children become emancipated and become members[20] of the cognates[21] of their mother[22].

(21) If the slave is emancipated, his children become members for the patrons[23] of their father[24].

(22) He who kills his brother or his father or his son or one of his family[25] with knowledge inherits nothing from them.

* (23) When someone leaves by will and shall say: "One part of my heritage is to N.N. or one (part) to N.N. such and such things which I possess", (but) not specifying[26] how much is this part, this (part) is the sixth of his properties or from something which is left by will. * p. 85

(24) It is not lawful for a sick person during his illness that he pays off one of his creditors and does not discharge another unless he rewards them all equally.

(25) He who leaves by will one third of his property before his death (his deed) is ratified.

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[16] ܩܐܕ̈ܝ, القاضى.

[17] The text has suffered here.

[18] Something is missing in the text. This text preserves a little more than in the known manuscripts. Regardless of a deplorable state of the text it is clear that it presents a different legal principle which allows a conversion until the division of the inheritance takes place. Concerning this principle, see Ibn Ḥanbal particularly; cf. FATTAL, *Le statut légal*, p. 137; also VESEY-FITZGERALD, *Muhammadan Law*, p. 156.

[19] مسلم.

[20] ܡܘ̈ܠܝܐ, موالى also clients.

[21] موالى.

[22] This text is correct over against the corrupted form in Ms. Cambridge Add. 2023, fol. 18a.

[23] موالى.

[24] This text has preserved its correct form over against Ms. Cambridge Add. 2023, fol. 18a.

[25] γένος.

[26] Lit. separates.

(26) If he leaves by will more than a third, this surplus is not ratified.

(27) Excepted (is the case) when the heirs after his death agree that his words be acknowledged. And this (however, under the condition) that they are complete in stature and have reached (the legal) measure (of age).

(28) When a man recognizes during his sickness something he knows and he shall say: "This thing belongs to N.N.", it is ratified.

(29) If he shall not definitely say: "I have a deposit", it is not ratified at all unless true witnesses come forward and (testify) on that matter.

(30) Then when the unknown deposit is recognized and he admits that there is a certain debt on him, the debt must be paid off before delivery of the deposit, (for) when he recognizes a known deposit and a debt on the deposit, and the deposit is given as it is the debt shall not be paid off, unless he has something from which the debt can be paid off[27].

(For example, if) he has ten thousand *zūzē*[28] and admits that they are deposit and admits that a debt of ten is on it, the deposit is given and the debt remains. If he has more than ten thousand of them, the debt shall be paid[29].

* p. 86

* [LXV]

THEN OTHER MATTERS[1] OF THE INHERITANCE OF THE ARABS[2]

(1)[3] When a man or a woman or a boy or a girl dies and leaves after him (or her) a father he inherits the whole heritage when the deceased leaves no progeny[4].

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[27] A coin equal to a Greek drachma.

[28] This injunction in a clear formulation appears in Ms. Br. Mus. Add. 18, 715, fol. 253a.

[29] The same text appears in other new sources, namely in Ms. Mardin Orth. 316, quire 14, fol. 6a-6b and Ms. Mardin Orth. 323, fol. 181b-182a.

[1] The term used here is ܥܒ̈ܕܐ which also means subjects; in legal terminology it is used for causes, actions.

[2] ܛܝܝ̈ܐ, طايى.

[3] This text is unknown; cf. VÖÖBUS, *Islamic Law in Syriac*, p. 12f.

[4] Or: offspring.

(2) If (he leaves) a brother, he equally inherits the whole heritage.

(3) Likewise a grandfather, a grandson or an uncle (on the father's side) when there are no children.

(4) These do not inherit when there is a close heir: the aunt on the father's and the aunt on the mother's side.

(5) And not the grandfather towards the mother and the uncle on the mother's side.

(6) And not the son of the daughter.

(7) When a man dies and leaves a mother, she inherits a third[5] of his goods[6] when he has no brothers or children.

(8) If he has, she inherits one sixth[7].

(9) If someone dies and leaves a grandmother she inherits from the deceased one sixth and nothing else is added to her.

(10) The rest is to his close relatives, to everyone according to his right.

(11) When a man or a woman dies and leaves a daughter, she inherits a half of his goods[8].

(12) If there are two daughters or three or as many as there are, they inherit two thirds[9] and nothing else is added to them.

(13) The rest (belongs) to the close relatives, each one according to his right.

(14) The sisters inherit equally according to the degree[10] of the daughters when there are no sons or daughters.

(15) If the deceased shall have daughters and sisters, the daughters inherit first.

* (16) If (he has) one daughter, she inherits the half. * p. 87

(17) The daughter of the son is of the degree[11] of the daughter.

(18) If a man dies and leaves a wife, she inherits the fourth[12] part of his goods[13].

(19) If she has children she inherits one eighth[14].

(20) The husband inherits from the wife a half when she has no children[15].

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[5] ܬܘܠܬܐ, تلْث.

[6] Lit. work, affair, business.

[7] ܫܘܕܫܐ, سادس

[8] Lit. work, affair, business.

[9] تلْث.

[10] τάξις.

[11] τάξις.

[12] ܪܘܒܥܐ, ربع.

[13] Lit. work, affair, business.

[14] ܬܘܡܢܐ, ثمن

[15] The same text appears also in other new sources, namely in Ms. Mardin. Orth. 316, quire 14, fol. 6b and Ms. Mardin Orth. 323, fol. 182a-182b.

[LXVI]

ANOTHER CHAPTER[1]

ABOUT THIS (MATTER): WHO DOES NOT INHERIT WITH ONE WHO INHERITS

(1)[2] The grandfather does not inherit with the father.

(2) The father inherits one sixth[3] with a son.

(3) The grandmother inherits nothing with the mother.

(4) The mother inherits one sixth[4] with the children or the brothers.

(5) The brother from the mother inherits one sixth[5] either male or female.

(6) If they are numerous they inherit one third[6] without any addition.

(7) (Half) brothers who are from the mother (only) do not inherit with children (of the deceased) when there is a son among the children nor with the son of the son.

(8) The father and the mother inherit one third[7] for both, one sixth[8] to each. The rest is to the children, two parts to the male and one to the female.

(9) Thus to all sons and daughters.

(10) When a man or a woman dies and leaves a daughter and a daughter of the son, the daughter inherits the half and the daughter of the son inherits the one sixth[9], completing[10] the two thirds[11]. And the rest is to the close heirs according to their rights.

* p. 88 * (11) When a man dies and leaves his father and mother, two thirds[12] to the father and one third to the mother.

(12) If he leaves his father and his wife, the fourth of his goods (goes) to the wife and the rest to his father.

(13) If he leaves a brother and a son of the brother, the brother inherits the whole heritage and the son of the brother inherits nothing with him.

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[1] ܬܪܥܐ employed as باب.

[2] This text is unknown; cf. VÖÖBUS, *Islamic Law in Syriac*, p. 15.

[3] ܣܘܕܣܐ, سادس.

[4] سادس.

[5] سادس.

[6] ܬܘܠܬܐ, تلث.

[7] تلث.

[8] سادس.

[9] سادس.

[10] ܡܫܡܠܝܐ complement.

[11] تلث.

[12] تلث.

(14) If he leaves a son of the brother and an uncle on the father's side, the son of the brother inherits the whole heritage.

(15) If he leaves a son of his son and the son of his brother, the whole heritage goes to the son of his son.

(16) If he leaves a son of his son and brothers, the son of the son inherits the whole heritage.

(17) If he leaves uncles on the father's side, uncles on the mother's side, daughters of the daughter, grandparents on the side of the mother, all these do not inherit with the heirs who are closer related.

(18) If he leaves a father, a brother, a wife and a son, the father inherits one sixth[13], the wife one eighth[14], and what remains is to the son. The brother inherits nothing with these.

(19) When the wife dies and leaves her parents, her husband, and her son, a fourth[15] (goes) to the husband, one sixth[16] to her father, one sixth[17] to her mother, and the rest to her son.

(20) If she leaves her grandfather on the father's side, and her husband, her husband (inherits) the half of her heritage and her grandfather the rest[18].

* [LXVII]

* p. 89

THEN THE COMPUTATION[1] OF THE INHERITANCE OF THE ARABS AND THEIR DISTRIBUTION AMONG THE HEIRS

(1)[2] When there is among the heirs one who inherits one sixth[3], the heritage is divided into six parts, because a half of six constitutes three parts and the third consists of two parts and the sixth[4] of one part.

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[13] سادس.

[14] ܬܘܡܢܐ, ثمن.

[15] ܪܘܒܥܐ, ربع.

[16] سادس.

[17] سادس.

[18] The same text appears in other new sources, namely in Ms. Mardin Orth. 316, quire 14, fol. 6b-7a and Ms. Mardin Orth. 323, fol. 182b-183a.

[1] ܚܘܫܒܢܐ.

[2] This text is unknown; cf. VÖÖBUS, *Islamic Law in Syriac*, p. 16.

[3] ܫܘܕܫܐ, سادس.

[4] سادس.

(2) If it shall be that among the heirs there are many in numbers, so that the parts must be (further) divided, and thereby there shall be a half of a part, double these six parts which constitute the foundation according to the number of these heirs who cause to break these parts.

(3) A man dies and leaves a mother and two daughters and three sisters. The mother inherits one sixth[5] the two daughters two thirds[6], and one part remains to the three sisters. This part is divided into fractions in order to be distributed among the sisters. Then multiply these six parts, which constitute the basis, three times conforming to the number of the sisters and they become eighteen. Divide them among them: one sixth[7] of eighteen, that is three parts, to the mother; three parts to the three sisters; two thirds[8], which are twelve parts to both daughters; and three parts to the three sisters, one part to each sister, and the computing comes out.

(4) If there shall be three daughters or five and as many as they are, and it shall be that they in like manner will break the computing as in the case of the sisters; multiply these first six parts by the number * p. 90 of one category, the daughters if you want * or the sisters if you want, and see what is the account which is obtained, then multiply the sum which has been brought out by you by the number of those others, either sisters or daughters. The division among the heirs comes out correct and without any fraction of a half or third or fourth, or anything else.

(5) If among the heirs there shall be a heir who inherits one fourth[9] and another one one sixth[10], the heritage is divided into twelve parts because six parts do not give a quarter[11] without a fraction. For this reason it comes out that this heritage should be divided into twelve parts, due to the fact the quarter[12] of twelve is three, one sixth[13] is two and the rest is to the others.

(6) If it shall be among the heirs that some fraction (occur) with these twelve parts, multiply them as delineated by us for you in the first computing of six parts.

(7) If among the heirs there shall be one who takes an eighth[14],

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[5] سادس.

[6] ܬܘܠܬܐ, تلث.

[7] سادس.

[8] تلث.

[9] ܪܘܒܥܐ, ربع.

[10] سادس.

[11] ربع.

[12] ربع.

[13] سادس.

[14] ܬܘܡܢܐ, ثمن.

one a fourth[15], and another one sixth[16], the heritage is divided into twenty-four parts, because an eighth[17] cannot be taken out from twelve for the reason that it is one and a half. But from twenty-four it comes out that one eighth[18] consists of three (parts) and one sixth[19] consists of four parts. (Thus) this entire computing comes out (well) but more than twenty-four does not come out.

(8) If among the heirs there shall be heirs who break the parts into some (fraction) multiply these twenty-four by the number of those heirs who divide in fractions according to what we already demonstrated in the first computing of six parts, which is the basis. And so the whole computing of the inheritances of the Arabs is straight.

(9) If it shall be that there is a male among the heirs who breaks the parts into some (fraction), these parts are multiplied two times because of him for the male takes two parts and the female one. For example (the case of) * three daughters and one son: because of them * p. 91 the parts are multiplied by five.

(10) The same when there is a brother with the sisters.

The end of the computing of the inheritances according to the laws[20] of the Arabs[21] as to how heritages are to be divided[22].

[LXVIII]

THE LAWS OF THE CHRISTIAN AND VICTORIOUS KINGS

1.[1] Outside of his own province[2], no one should be forcefully brought to judgment if he did not take a wife or dwell in another place or did not promise to go to another place. From this time forward, where he has taken a wife or settled or gone where he promised to go, (there) shall he be rightly judged.

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[15] ربع.

[16] سادس.

[17] ثمن.

[18] ثمن.

[19] سادس.

[20] νόμος.

[21] ܛܝܝ̈ܐ، طايّ.

[22] The same text appears also in other unknown sources, namely in Ms. Mardin Orth. 316, quire 14, fol. 7a-7b and Ms. Mardin Orth. 323, fol. 183a-184b.

[1] Among the recensions of these laws, which have been known, see page 108, this new document occupies its own place since there is no other similar cycle which is characterized by the conciseness of the formulations. Cf. Vööbus, "A New Recension of the Syro-Roman Lawbook".

[2] ὑπαρχία.

2. A son is not to be held responsible for his ministrations and faults while his father is alive.

3. No one who denies a certain thing[3] is obliged to prove it but the one who sent[4] the thing. Therefore he who accuses cannot oblige him who is accused to prove the contrary of what he says and asserts.

4. A debtor is able to escape the claim of a loan by reason of the burning of his house which befell him.

5. When the second creditor gives to the first creditor his debt, he must ratify it by proper memorandum[5].

6. After payment of the debt the document[6] remains void even if it remains with the creditor, provided that it is not proscribed.

7. The wife has the right to make a testament[7] and (that even) on her *phernītā*[8].

* p. 92 * 8. (If there is) deceit by the father in the matter of the *phernītā*—it is not the man but the daughter who shall lose.

9. The *phernītā* that the father has given, even if it was pillaged, cannot so be removed by reason of robbery since it is (vested) in the property of the man.

10. The wife who has agreed with her husband in one consent on the sale of the resources which belong to her—it belongs to him to sell but the memorandum[9] about them is hers.

11. As long as the fellowship of the husband and the wife lasts, the *phernītā* is included in the property of the husband, but not in such a way that also the municipal services or the fees[10] are supposed to come from the property of the husband.

12. Of these (things) which have been bestowed in weddings, the one who bestowed remains the owner.

The woman should not be (joined) to another (man) before ten months of mourning for her husband (have passed).

13. A father who sees that his daughter is about to be (married) to a man and does not hinder or contradict before she is taken is (thus) supposed to have agreed to her wedding.

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[3] Or: property.

[4] Lit. sending.

[5] πιττάκιον.

[6] ܓܪܡܛܘܣ γράμματα.

[7] διαθήκη.

[8] φερνή.

[9] πιττάκιον.

[10] Or: wedding presents?

14. He who gives the goods[11] of the *phernītā* cannot be (assigned) in writing by creditors (who have claims) against the woman.

15. If a mother, after captivity (sees) when her son is sold in a public[12] place, let her sell him—he returns at once to freedom and as one of noble birth is led to (all) functions[13].

16. When the fellowship between the husband and the wife is broken, the judge must examine which of them is right (in order to determine) whether (their) child must stay with and be fed by the father or by the mother.

17. The husband can make a stipulation with his father-in-law (to the effect) that, should his daughter die during their marriage without issue, the whole *phernītā* remains with him.

18. It is lawful for him to make a stipulation[14] that for one son, he (i.e., the husband) can take not only the *phernītā* but also the things beyond the *phernītā* of the wife.

19. In the case of the woman who is under the authority of her father, if she steals * the goods of her husband, it is her father who is to be seized immediately for the portion which came to him from the theft. Regarding the other portion then still unknown, should it reach him, he will be required in the same measure, likewise, for the rest; or he shall set (matters) right when he delivers (it) over to his daughter. * p. 93

20. A woman cannot be convicted on account of her husband or her uncle.

21. If the husband sells some of the possessions of his wife, his sale is illicit.

22. Neither the father-in-law nor the wife can sell anything of the *phernītā*.

23. The son cannot bestow those things which belong to the mother while she is still living.

24. The wife although she steals something from her husband shall not be held captive at the gate[15].

25. If the husband bequeathes[16] something of the wife, he cannot take it (from his wife), not even if for a long time he has[17] had authority over this (thing) from the property.

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[11] Lit. things.

[12] δημόσιος.

[13] Or: ministrations.

[14] Or: contract.

[15] ܦܘܪܛܐ porta.

[16] Or: pawns.

[17] Lit. he will have authority.

26. The mother cannot be held for municipal works and field charges[18]. Equally the husband is not liable for his wife.

27. It is not permitted for anything (belonging) to the wife to be taken in order to assign it for the debt of her husband nor can it be assigned in writing for the services of her husband.

28. He who hides a testament is condemned as one who falsifies[19] books.

29. The mother who did not request an *'epiṭrūpā*[20] for her son does not inherit of him if he dies before puberty[21]. If he is pubescent[22] and dies, his mother is called into the inheritance. There is, however, no necessity for the mother to request a curator for a son who is pubescent[23].

* p. 94 * 30. If someone in the process of making a testament reached the end[24] and died, this testament is void.

31. From an invalid testament, legacies[25] are not due. Legacies which have been left by one who does not have goods which suffice are useless. If they come again, they can be taken.

32. When there is a mother and an uncle, the mother is the one who receives the portion of the son that is called (for inheritance).

33. The testament must be sealed and ratified on the same day and in different hours.

34. No one can hold (any) inheritance (by virtue) of a bare promise and without inquiry.

35. The son of the brother cannot cause any discussion[26] against the uncle and the aunt who are making their testament.

36. The children who are from the sister cannot arouse any discussion over the testament of the grandfather.

37. The brother cannot arouse any discussion over the partnership of his brother who has been written into the inheritance.

38. He who claims that he has inherited even outside[27] the testament

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[18] Or: the presents of the son?

[19] ܕܦܠܣܘܪ falsus.

[20] ἐπίτροπος.

[21] ܦܠܥܘ ܐܣܒܗ is a term not found in the *Thesaurus syriacus*; the term is taken from Arabic اسب "the hair of the pubes" or "of the pudendum", LANE, *An Arabic-English Lexicon* I, p. 56.

[22] Lit. his hair sprout, cf. note 21.

[23] Lit. who raises the hair, cf. note 21.

[24] Lit. made.

[25] ܠܐܓܛܘܢ, ληγάτον, legatum.

[26] Ms. has ܠܚܕܪܢܐ which has no meaning; it must be a mistake for ܠܚܪܝܢܐ.

[27] Or: even (more), beyond.

has to demonstrate from the laws[28] that he is called into the inheritance.

39. He who claims that he is the heir of someone—he himself should prove it, if he can so prove.

40. He who once has accepted the inheritance cannot afterwards be excused from it, if he is of full age[29].

41. He who is not from a legal fellowship (of marriage) cannot inherit his father.

42. The inheritance is given equally to the brothers and sisters of the one who died.

43. The mother of the one who (at present) is not dead(?)—her sons[30] will inherit her equally, even if they are from different fathers.

* 44. When the departed has a mother and a brother and a sister, the mother is held apart; only the brother with his sister inherit. * p. 95

45. He who once has accepted the inheritance cannot escape it if it is small and not sufficient.

46. (Missing in the manuscript).

47. No one can change a strong and true testament by order of the king[31].

48. The division[32] of goods[23] done by deceit is void.

49. Of those (matters) which are by the mother with respect to the division[34] of goods set up under contract and division, the sons are not under obligation[35].

50. The division[36] of goods without fear and fraud shall be retained.

51. An ordinary[37] curator[38] cannot make a division[39] (of goods) unless he has been ordered (to do so).

52. An *'epīṭrūpā* (cannot) sell anything from the goods of the orphans, not even in the name of his wife because she also is subjected to fury[40].

53. A mother cannot manage the affairs of her orphans but she must request an *'epīṭrūpā* for them.

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[28] νόμος.

[29] Lit. height, stature.

[30] Or: children. The text seems to have suffered here.

[31] Or should the text be understood in an unusual way: without king's order?

[32] διάλυσις.

[33] Or: dissolution of partnership.

[34] διάλυσις.

[35] Lit. not in subjection.

[36] διάλυσις.

[37] Lit. general.

[38] ܩܘܪܛܘܪ, κουράτωρ.

[39] διάλυσις.

[40] It seems that the text has suffered here; the term ܩܘܪ is very strange; this rare vocable is difficult to understand here.

54. A mother who did not ask for an *'epiṭrūpā* for her son is deprived of his inheritance if he dies before puberty[41].

55. A slave after he has been liberated cannot be enslaved by bringing forward changes (in circumstances) or (other) things.

56. He who repaired[42] a house which was neglected by its owner shall demand (payment for) the expense he had from this together with the interest, within four months after the work was done.

57. He who in the presence of the (previous)[43] owner took off the harvest for ten years and no one raised any objection against him, he has the authority from this length of time (to do so). If, however, the (previous)[44] owner is away, and he has had the authority for ten years to take the harvest no one can trouble him regarding this.

* p. 96 58. She who married a foreign slave * is subjected to slavery if, having being three times warned, she does not (then) abstain from him—not otherwise.

59. By no means can anyone less than twenty years old be subjected to slavery.

60. Legacies which are beyond the laws are proven[45] in the death of those who bequeath them.

61. If anybody with the knowledge of the one who donated it shall take hold of a thing donated, he holds it as one to whom it was given since long time ago.

62. Also the (one) who iniquitously took hold of some strange property is not obliged to give it to him who demands it if the (latter one) does not < prove >[46] that he is owner of it.

63. (With regard to) usufruct[47] which has been taken by force, before it is returned, likewise, (the question of) its ownership must be investigated and examined.

64. It is not the contract nor the payment[48] that makes the buyer the owner but the delivery of the object that was bought.

65. A father who sells his son loses him like one who inducts him into slavery[49].

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[41] Lit. if he has no beard.

[42] Lit. built.

[43] The formulation is too concise but this or a similar addition is necessary in order to make sense of the legal norm; the sense requires that there must be another person involved who may have some claims.

[44] Here the situation is the same as in the previous clause.

[45] Lit. become solid.

[46] The word is effaced.

[47] νομή.

[48] Lit. division.

[49] Something seems to be lost in the text making its sense difficult to understand.

66. If the suitor dies, the simple gifts to the fiance will not be returned.

67. One is permitted (even) if he is not a close (relative) (to give) what is donated to her in order to make a marriage settlement[50].

68. He who, with the knowledge of the one who donated, takes a thing from those that have been donated, it is so considered that it was delivered to him since long time ago.

69. Holding (possessions) in iniquity—the authority (for doing this) is not sanctioned by the length of time.

70. The one who has suffered violence because of the usufruct[51]—if he claims it within the period of one year, he takes the usufruct and all those (things) which are in it.

If he claims it after one year, all that he took, as much as it is, is for the one who acted with violence.

71. He who has carried off his betrothed does not escape rebuke; he who has carried off a virgin will be despoiled.

* 72. He who carried off a wife who has a husband, should be a...[52]. * p. 97

73. No one by the king's order[53] can lay hand on the usufruct[54] that he seized by force.

74. If he who has suffered violence claims before one year has elapsed, he takes the fourfold. However, if he claims after one year, he takes only the whole of that—as much as (was taken by the one) who caused the violence.

75. He who has really been freed does not suffer wrong by the perdition of the letters of his liberation.

76. He who nourished an infant, who had been abandoned, for ten years, either receives his expenses or he (may use him) for another ten years (in return) for his service.

76a. A mother who did not request an *'epīṭrūpā* for her son; if this one is (only) somewhat less in years than full age[55]—let a folly like this be forgiven her.

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[50] δωρεά, a deed of gift; the bride's jointure or marriage settlement.

[51] νομή.

[52] The term is ܐܦܘܪܠܐܠܐܘܣܬܐ ; this is a legal term in Syriac for which up to now there is no parallel; the *Thesaurus syriacus* does not know of its existence. Has this to do with *apporto* in connection with *damnum*?

[53] Or is there regardless of the ordinary syntax an unusual meaning: without king's order?

[54] νομή.

[55] Lit. stature.

[77.] Children still under subjection cannot bring a lawsuit against their parents at all.

78. When a boy passes the fourteenth year, even if he has not yet reached puberty[56], he is able to make a testament.

79. He who comes back from captivity, wherever he is, is entitled to acquire again all the things lost in the plundering and to keep possession (of them).

80. A mother should not make (legal) inquiries against her son.

81. He who has bought a woman in the public[57] place and afterwards becomes conjoined (with her), he is condemned on account of the honor of marriage (and must) leave her his price[58]; in this way, she is able to go back quickly to her first condition[59].

82. (Concerning) a thief with a sword; if he has a sword with him, he shall receive punishment in like (manner to) that of a homicidal.

* p. 98 * 83. One who receives robbers[60] receives the punishment, (as) defined by the laws[61], which they must receive.

84. He who says that he paid the debt must demonstrate it and not he who denies that he took it.

85. A father cannot separate his daughter from her husband if she does not wish (it).

86. It is not proper (to allow) witnesses to be vexed and led far away because of the testimony.

87. He who lied in one case[62] is under the suspicion that he in others, too, is lying, and is under suspicion as well that he is going to do those things.

88. No one has the right to set the seal on things that are foreign (to him).

89. If a boy who did not (yet) reach puberty[63] dies and he does not make a testament, if he has sisters they inherit together with their mother equally. If he has a brother and also a sister, the mother receives nothing.

90. If a son who is under the authority of his father gains anything from the side of the woman, he has the ownership of what he has; the father, however, has (only) the use (of it) during his lifetime.

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[56] Lit. the hair of his body.

[57] δημόσιος.

[58] τιμή.

[59] κατάστασις.

[60] ληστής.

[61] νόμος.

[62] ܩܦܠܐܘܢ, κεφάλαιον.

[63] Lit. who has no hair.

91. A son who does not leave children when he makes a testament[64] ought to give to his mother one fourth of his property; this is what he is required to leave her, if she is not a friend of his adversary. If there is no mother but there is a grandmother on the father's side also to her it is due in the same manner.

92. The wife who is taken by force[65] by her husband is not considered as without a *phernītā*[66], because through willfulness in this her's is kept.

93. A mother when she shall be in a second marriage, it is of necessity[67] for her that she shall first of all give surety regarding her marriage settlement[68], if she wishes to take it, keeping and preserving it to her children.

If, however, she does not wish to take it, it is of necessity[69] for her to leave * it to them, and she shall take one of the three (parts) which comes (to her) during her lifetime. * p. 99

94. A slave who has been freed and dies and who has no children as he has made no testament[70], a person called patron[71] takes all his estate[72].

If, however, he made a testament[73] as he leaves no son, he takes the half of his properties.

If he has a son, and made a testament[74], and died, the patron takes nothing.

95. If a boy not yet (having reached) puberty[75] should die, if he is one who has no brother, his mother inherits him completely.

96. An infant who has been found and thrown away must work for twenty years in service.

However, (only) when he who took him up remains silent about taking him.

If, however, he took up this before the registrar[76] and took in writing notifying that because of this he took him so that he shall work in slavery all the days of his life, he shall be a slave until the end (of his life).

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[64] διαθήκη.

[65] Lit. seized.

[66] φέρνη.

[67] ἀνάγκη.

[68] δωρεά.

[69] ἀνάγκη.

[70] διαθήκη.

[71] ܦܐܛܪܘܢ, πατρωνός, patronus.

[72] οὐσία.

[73] διαθήκη.

[74] διαθήκη.

[75] See note 21.

[76] The term is ܛܘܒܠܪܐ which must be a corrupted form. There are two possibilities. Either it may be ܛܒܠܪܐ, ταβελλάριος, cf. ταβελλάριος ὁ ἐν σανίσι γράφων, qui tabellos scripsit, DU CANGE, *Glossarium* II, col. 1519; also ταχυδρόμος, tabellarius, a runner, letter carrier. Or the word should be ܛܒܘܠܪܐ, ταβουλάριος, archivarius, as this term appears in the story of Abgar, *The Doctrine of Addai*, p. 1, where Ḥannan is introduced as the tabularius of 'Abgar 'Ukkamē.

97. Regarding the slaves, the offspring[77], i.e., origin, belongs to the mother but about the freed ones to the father.

98. A wife who is engaged in second marriage, it is of necessity[78] for her to settle for everyone of her children who are from the first partnership all the amount as much she gave through the *phernītā* to the second husband.

If, however, she does not observe, her son can overthrow her second partnership and shall demand (it) from her husband.

99. All the children and children of children are under the authority of their grandfather, whether they are male or female.

100. The betrothed one is required (to return) these (objects) brought to her in betrothals when the one who betrothed her dies, (namely) by his father or his mother or his brothers.

* p. 100 * If the said one kissed her, a half of them is required, however, she retains the other half.

If he has no father and no mother and no brothers all remains to her who was betrothed.

(Here the laws) have come to an end[79].

[LXIX]

P. IX. A, 3

THE LAWS OF THE CHRISTIAN AND VICTORIOUS KINGS

Again the laws[1] of the victorious and Christian kings Constantinus, Theodosius and Leo, the kings of the Romans.

These are the excellent and good laws[2] which our Lord and God has given to men since the beginning and has made them known. In the first book of the Torah He has shown to us that Adam generated Seth, Seth Enosh and so on[3], the rows of the fathers until the flood. Noah generated Shem and after that Shem generated Arpachshad[4], and the generation of the fathers follows in order and comes until Abraham. Abraham generated Isaac, Isaac Jacob, Jacob the twelve fathers[5]. This glorious and excellent law was given by God the Lord of all so that every man should leave his goods as an inheritance to his children. For this good reason, all the nations have taken over this law, namely, that every man shall have his goods as an inheritance for his children. If he has no children, he shall leave his goods as an inheritance to whom he wishes.

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[77] Or: generation.

[78] ἀνάγκη.

[79] In this document we have to do with a very rare record. Another source for the text appears in Ms. Mardin Orth. 316, quire 14, fol. 7b-9b. Another text is found in Ms. Mardin Orth. 323, fol. 126b-131a. In addition there is a parchment leaf in Šarfeh, cf. Vööbus, *Discovery of Very Important Manuscript Sources for the Syro-Roman Lawbook*, p. 26f.

[1] νόμος.

[2] νόμος.

Whereas all the laws of the nations differ in other matters, this right of inheritance has not been changed by any nation, but has continued and come down (to the time) of our Lord Jesus Christ who has received a body from the holy virgin and became a man according to His will, who has freed all men from error, those who so desired, and He has along with other benefits given an excellent law to the church and through His church He has given gifts of His grace to the Christian kings * of the nation of the Romans. He has given them * p. 101 the knowledge of the faith and truth and He has through His church subjugated the generations of all the nations to them so that through the ordinances of the laws of Christ, they rule men according to the law which these kings have received from the church which is a gift for all men.

For every nation and all nations who wanted to be ruled by the law, have taken their precedent[6] from the law of Moses, have set up the laws in their generations and imitated Israel which was ruled by the laws of God. For, also, not a single one of the nations had a writing or a book (of this kind) before Moses but Moses and his laws, those which God gave to Israel, precede all sages of the Greeks, the Athenians, the Romans, the Egyptians, as we have said above, and all nations and all languages. To Israel and also to the nations was this gift given so that they were to be ruled according to the laws.

All the laws, however, were annulled by the coming of our Lord and among all nations one law of Christ has been given through the

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[3] Cf. Gen. IV, 25ff.

[4] Cf. Gen. V, 32; X, 23ff.

[5] Cf. Gen. XVII, 15ff.

[6] Lit. cause.

Christian kings, which has begun with the glorious and blessed Constantinus, the elect of God.

1.[7] The first degree of heritage.

If a man dies and does not write a testament[8] and he shall leave children behind, male and female, they inherit equally. However, when he deigns to write a testament, the children inherit at his discretion.

He must give to his daughters, to every of them, her *phernītā*[9] which goes to everyone of them, from three *uncia* of his possession—for these three *uncia*[10] shall be divided among all the children of the man according to the law. As for the (remaining) nine *uncia* he may establish his children as inheritors as he wishes.

If he wants to give his sons more, he is empowered to do so.

* p. 102 * If he has no masculine children, his daughters or his daughter will inherit.

If he has no children, he may let anyone he desires inherit.

If he dies suddenly and he has no son and has not written a testament, the father of the man, if still living, inherits.

But if his father is no longer alive, his brothers and also his sisters inherit equally.

If his mother still lives, she is numbered in the inheritance of her son like one of her sons, equally.

If a man dies suddenly and has not written a testament, and leaves no father nor mother nor children, but uncles on his father's side, the sons of the uncles inherit.

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[7] There are sources of exceptional importance for research which oblivion releases only very reluctantly and slowly. This is the case with the Syro-Roman Lawbook. When Land in 1862 published this unknown document which he found in Ms. Br. Mus. Add. 14, 528, as the «Leges saeculares» in *Anecdota syriaca* I, p. 128ff., his edition created an interest and excitement commensurate with its extraordinary value. However, the scarcity of sources has been a great disadvantage for research of this precious monument in the history of jurisprudence. In 1880, the edition of the few manuscript sources known at that time appeared, prepared by Bruns and Sachau in their *Syrisch-römisches Rechtsbuch*. It was not until 1907 that a new source, found in Ms. Mus. Borg. Syr. 81, was made available by Sachau in his *Syrische Rechtsbücher* I, p. 4ff. However, this new source is a late copy of a Nestorian manuscript, written shortly before 1869, which has brought with it new problems and complications. Since then there has been such a dearth that virtually nothing has come up which might widen our knowledge of this unique legal record; see Vööbus, *Discovery of Very Important Mss. Sources*. About a short recension in Arabic, see Ibn at-Ṭaiyib, *Fiqh an-naṣrānīya*, p. 146ff.

[8] διαθήκη.

[9] φερνή.

[10] ܐܘܢܩܝܣ, οὐγκία.

If the generation of the father and the uncles is ended, the generation of the sons of the sister or of the sons of the sisters is called for inheritance.

If also this generation is finished, the generation of aunts, namely of their masculine children, is called (for inheritance).

If they do not have masculine children, then the feminine ones enter (the inheritance).

The transmission of the inheritance from generation to generation takes place in the following manner: Only in the first degree are the female persons worthy to inherit along with the masculine persons. But in the second, third and subsequent degrees, the women and her children are excluded—they do not inherit together with their brothers or with the sons of their brothers.

For the women have the right of inheritance when together with their brothers and sisters, they inherit from their parents, brothers and sisters who die without the testament.

But this is the first degree. For the laws search for the pure seed and for those most closely related when they call for inheritance. This is called in Roman *agnatus*[11], i.e., the close(st) generation[12].

If, however, the close(st) generation is ended, the generation of women follows, that is in the likeness of the earth and called in Roman * *cognatus*[13], i.e., that comes after the close(st) generation. * p. 103

If a man comes to his death while his father still lives, he cannot write the testament. If he has sons, they stand under the domination of their grandfather, and all that they acquire in whatever way, stands under the authority of their father or grandfather as long as this or that one lives.

2. Inquiry has been made about the law whether minors can make a testament and at which age they can do so.

Now, a girl until she has become twelve years of age is under the hand of an *'epīṭrūpā*[14], which is being translated "commander"[15], and cannot make a testament. If she has exceeded the twelve years, she has exceeded the domination of the *'epīṭrūpā* and is under the domination of a curator[16], translated "inquirer"[17]. And from the time the girl comes under the domination of the curator, she is enabled to make a testament.

[11] ܐܓܢܐܛܘܣ.

[12] γένος.

[13] ܩܘܓܢܐܛܘܣ.

[14] ἐπίτροπος.

[15] ܦܩܘܕܐ.

[16] ܩܘܪܐܛܘܪ, κουράτωρ.

[17] ܒܨܘܝܐ.

In this manner also a boy is, until the fourteenth year, under the domination of the *'epīṭrūpā* and cannot write a testament. Beginning with the fourteenth year and higher, he is under the domination of a curator.

Minors are under the domination of a curator until the twenty-fifth year of age. From the twenty-fifth year of age and higher, a boy becomes a full man and a girl a full woman.

3. Whether the father of a woman whose husband is dead can take the role of a guardian over her children. If he gives surety[18], he can (so) administer.

4. If a man dies, leaves orphaned children behind and makes a testament and names an *'epīṭrūpā* over his children, or a curator, they may carry out the guardianship over the orphans without giving surety.

But if the man did not make a testament and dies and leaves behind * p. 104 sons * among whom are sons of twenty-five years of age, they may carry out the guardianship over their brothers (and sisters) without giving security.

When a man dies and did not make a testament and leaves minor children behind and if he has a brother or brothers, the law commands one of these to become a curator or *'epīṭrūpā* and he shall carry out the guardianship for the children of his brother, and that he through scribes lets everything the orphans have be written up and carries out the guardianship rightly.

If he has no brothers but has a son of his brother, grown up, he shall be in like manner an *'epīṭrūpā* or curator for the children of his uncle.

But if a man dies and leaves minor children behind and he has a wife, and he did not write the testament, and he has no brothers, and his wife, the mother of the orphans, wishes to carry out guardianship over them, she must notify the judge of the place and set up an obligation before him that she will not take another man until she gives over the inheritance of the orphans which has been entrusted to her.

If also the wife does not wish to take (the burden of) her orphaned children, then the law commands the magistrates[19] of the town, i.e., the chiefs, to name an *'epīṭrūpā* or curator for the orphans for which they shall grant a fixed honorarium according to the extent of the property.

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[18] Or: security, bail.

[19] στρατηγός.

However, the laws command that everyone who becomes an *ʾepīṭrūpā* over the orphans must give a surety that he protects in every manner the possession and property of the orphans and that, as soon as they come to the (prescribed) age, he will give over to them their property.

Moreover, in regard to such persons who are named through a testament as *ʾepīṭrūpē* or curators, the law orders that they do not need to give surety because the owners of the possessions have selected and appointed them as guardians.

5. If a man has children and they have grown up and do not obey him, that they are against everything he commands * them (to do), and even cause him shame, and he wants to exclude them from his inheritance, he is entitled (to do so). * p. 105

However, he is entitled to do so (only) within the nine *uncia* of his real estate and goods for everyone he wishes to inscribe in his testament and (to whom he wishes) to give.

But the three *uncia* of his real estate and his goods, that is the fourth part of all he possesses, he shall give through the testament to all his children, so that the insolent children receive their share from this fourth part of the estate of their father as their portion, whether they be masculine or feminine.

6. When a man makes a testament and leaves behind strange inheritors the law orders him to leave (his possessions to) free men as inheritors so that the insolent children cannot circumvent the testament with the help of the laws.

However, there are insolent men and women, persons who serve the theater[20], hippodrome[21], and the stadium[22], the mimes[23] and the harlots among them, charioteers[24], gladiators[25], in addition persons accused of adultery, both men and women, and people of a similar kind. No person can make them inheritors in order that the testament will not be challenged by insolent children and by the close(st) generations and those that next come after them.

7. If someone in writing has been made by another his inheritor

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[20] θέατρον.

[21] ἱππικά.

[22] στάδιον.

[23] μῖμοι.

[24] ἡνίοχοι.

[25] λουδάριος.

but does not wish to enter the inheritance, he is entitled not to enter (the inheritance).

If, before he enters it, he wishes to bestow the inheritance and confer this honor upon other, he is entitled to do so.

8. Whether an *'epīṭrūpā* of the orphans or a curator can sell (some) of the property of the orphans, over which he has authority in order to pay the tax to the king or to pay a debt of their parents.

They cannot on the basis of their jurisdiction[26] but they can do as * p. 106 follows: * they shall approach and notify the judge of the place, upon the order of the judge, they may sell of the possession of the orphans to pay the debt.

9. Whether someone who makes a deed of gift[27] to someone, can take it back again from him.

If that (person) is his son or daughter or sons (or children) of his daughter, he can during his lifetime take back again from them something which he has written to them through a deed of gift.

If he, however, is a stranger, he cannot take it back from him.

10. If a man writes a deed of gift to another one or a man makes a deed of transfer[28] of a thing but he does not receive the usufruct[29] at the same time together with a deed of gift or the deed of transfer written to him, then all that he has is not valid.

But if someone writes to his son or daughter and does not give over the usufruct to him, as long as they are with him, it is valid. For a stranger, however, it is not valid.

11. Whether the law permits someone to leave the amount of his property through the testament as a legacy[30].

The law orders that he shall leave up to nine *uncia* of his possession. The three *uncia* shall remain for the inheritors. And this in such a way that three parts of his possessions he shall divide as legacy and one for his inheritors.

12. Whether the one who makes a testament shall leave for the lawyer[31], who writes for him, a part of the inheritance or a legacy.

The man is entitled to leave whether he writes by his own hand or through any scribe if he cannot write. He shall write the name of the lawyer and (state) that he is giving him a legacy and what he gives him with its name.

[26] αὐθεντία.

[27] δωρεά.

[28] καταγραφή.

[29] νομή.

[30] ληγάτον, legatum.

[31] νομικός.

13. Whether a man is entitled to set up his slave as an authorized agent over his possession or as an *'epīṭrūpā* or give him *'anṭālīqān*[32], translated "command" or "authority" over such things which his master wants to be taken care of by him.

* The laws also permit a man to give the authority to his son to * p. 107 become an *'epīṭrūpā* and authorized agent over his possessions and his estate.

14. How can a man escape so that he does not become an *'epīṭrūpā* for the orphans, the children of his brothers or for strange orphans, through the order of the judge of the place?

When it happens that this man has five children, masculine and feminine, the laws free him from this strange burden, and the laws allow him to take pains for the nourishment of his own children. If he has less than five children, he is impelled by the law to become an *'epīṭrūpā* or curator for strange orphans.

15. Where there is a man who has (no) children but has a slave born in the house or bought by money whom he wants to free, he may write the testament and set him up as his inheritor—the laws permit this.

16. When a man is dying and wants to make a testament and has minor children and designates them to be his inheritors, (and further) frees one of his slaves in the same manner, and his master then wants to set him up as an *'epīṭrūpā* or curator over his children, the law gives him (that) right.

The master is entitled to this even when he does not free him; for through the testament his master is entitled to set him up as an *'epīṭrūpā* or a curator over his children because this fact itself is for the slave a document[33] of freedom.

If there is a man who has children from a wife whom he has taken without the *phernītā* and he wishes to make a testament and let the children from a wife without *phernītā* to inherit, the law allows this and enables him (to do so)—the law orders that he can do as he wishes.

17. If a man has had two wives, the first with a *phernītā* and the other without *phernītā*, and he has children from her who was without *phernītā*, and he has the other wife who according to the law had a *phernītā*, and has children also from her, whether all his children inherit equally.

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[32] ܐܢܛܠܝܩܘܢ, ἐντολικόν.

[33] Lit. testimony, attestation.

He is entitled to let them all inherit equally when he calls those * p. 108 * children who are from the wife without a *phernītā* strange inheritors, and does not call them children.

But if he does not make a testament, those (children) from (the wife) with a *phernītā* inherit.

18. If there is a man who has sons and his sons die before him; if he also has sons who have no sons; if he has married daughters who have children and also they die while their children live; if a man has brothers or sons of brothers—if he wants to make a testament and make these children of his daughters inheritors, they inherit according to his will.

If he, however, dies without a testament, his brothers or the sons of his brothers inherit.

If there are no brothers, his uncles or their sons inherit.

If the generation[34] of his father is extinct, then the generation of the sons of his daughters enters (the inheritance).

If the generation of the sons of his daughters is extinct, then the generation of the sons of his sisters.

From all generations, the masculine persons shall be selected for the inheritance, the feminine come to naught.

But if the masculine members of the generations of the man have become extinct, the feminine enter (the inheritance).

19. (Concerning) the purchase of property or houses or slaves or any object (made) on the basis of an agreement between the seller and the buyer, they having agreed regarding the price of the object of the seller among themselves (but) the earnest[35] not having been given and the agreed price[36] not paid so that there is only the contract. The law commands that the seller cannot sell the object to another one.

If the first buyer refuses to carry out the buying voluntarily, it is necessary[37] for the seller to write the deed of transfer[38] on the name of the first and the price must (then) be paid which had been agreed upon between them both, and he shall deliver over to the buyer the object which he bought *puro modo*[39].

* p. 109 * 20. If a man wants to free his son or a son of his son, or his sons or sons of his sons, he writes for them a release before a judge or concedes that in all they have honored him and in every way have

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[34] γένος.

[35] ἀῤῥαβών.

[36] τιμή.

[37] ἀνάγκη.

[38] καταγραφή.

[39] ܕܕܟܝܐܝܬ.

obeyed him, and that for this honoring, he frees them before the judge from the jurisdiction under his hand so that they become free of every jurisdiction.

If he wants to give them gifts he gives (same) to them before the judge.

However, these emancipated[40] persons who have become free are not eligible[41] for the inheritance of the families of their parents and their brothers but become alienated from them.

From the day the release was written to them before the judge, they become as strangers to those inheritances which come to the generation (of their parents) through the cases of those who die and who have not made a testament—for they are called emancipated.

Persons (so becoming) free when they die without testament, namely when they die after receiving freedom, cannot be inherited by the members of the families which they had before their release.

Their sons and daughters and their relatives, those who have become so after their release, (namely) according to the degree of the relationship of their generations, inherit.

They are not obligated for anything in case their parents have debts.

And if it happens that they die at a time when their parents are still alive, they cannot hinder them in making a testament according to their will to administer their possessions because they are free from the hand of their father that kept them in subjection.

21. If a man wants to make a testament whether he is healthy or sick, and wants to free his slaves—what number can he make free.

* If he possesses only one slave or two he can free them through his testament. But from three he is entitled to free (not more than the same number). From the number five to ten he is entitled to free half of them. From ten to thirty the third part. From thirty to hundred, however, a man can free the fourth part, i.e., (up to) twenty-five. * p. 110

If it happens that a man frees a greater number than the laws order, then the number that the laws order to be freed (shall be established) and the rest who were released from that (number) remain as slaves to their inheritors.

But if a man writes a testament and writes there that all his slaves shall be free, all his slaves shall remain to the inheritors (as slaves).

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[40] ܡܢܩܦܛܘܣ, emancipatus.

[41] Lit. near.

22. Is it legitimate[42] that a slave whom his master frees before witnesses is freed?

(Namely before) the bishops and presbyters. Or if he is in the country before the chorepiscopus[43], called periodeut[44] or the presbyters, according to the order of the praiseworthy and blessed King Constantinus.

23. If a man decrees in writing that he frees his slave and together with the slave his private property[45], he is free.

If, however, he does not write it out explicitly, after the death of the one who freed them, his inheritors take the private property that the slave owns.

24. If the one who frees a slave can get him back to enslave him.

He can if, during his lifetime he accuses him that he was dishonored and despised by him. And if (on the other hand) he accuses him that he treated him shamefully—then the slave is subjugated to his former master.

25. Whether he who frees a slave can leave to his slave a legacy[46] and to the sons of the slave who are from a slave maiden.

The law orders that that can take place.

26. If a man buys an (allegedly) good slave who is not a runaway, the transaction allows him to test the slave during the period of six months.

If before the completion of this time of six months he does not like him, the buyer is entitled by the orders of the laws to return the slave * p. 111 * and to deliver the slave to his former master who sold him and to receive from him the money which he gave as his price.

If before the time of six months is completed, the lad escapes the one who bought a good slave, he who bought him must search for him and then demand back the money he gave for the slave.

27. If a man sells a slave to another "generally"[47] whether he be good or bad, under the stipulation that neither of them has some recourse against the companion, that which is called in Greek *haplīonē*[48], and (yet) he who bought wishes to return him to the

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[42] Lit. beautiful.

[43] χωρεπίσκοπος.

[44] περιοδευτής.

[45] ܦܩܠܝܢ should be ܦܩܘܠܝܢ, πεκούλιον, peculium.

[46] ληγάτον, legatum.

[47] Lit. simply.

[48] ܗܦܠܐܘܢܐ, ἁπλῆ ὠνή, sale without warranty.

one who sold, the law does not allow him to send him away and (so) he cannot return him, except he finds that a demon lives in the slave.

If it can be proven it is in him and he so desires, he may return him to that one who sold him.

28. If a man orders his slave to have a law process[49] for him, the law does not allow him; it is not authorized because a slave and a free man cannot go to law for they are not equal in honor.

29. If somebody receives a slave that is not his while knowing that he is a slave, and that he will be accused[50], the law orders that the one who received him shall be consigned into slavery.

30. If a man receives a laborer who is not his, which is written *'ēnāpographā*[51], while knowing that he whom he received is a laborer of another one, he will be consigned as a laborer to his accuser.

31. If a man buys an object and gives an earnest[52] in money, and the seller withdraws, the law orders that he (be paid) double the earnest which he received on the basis of the (entire) sum of money.

But if the buyer who gave the earnest does not want to buy, he loses his earnest which he had previously given.

32. If a slave buys an object—he is entitled to it, for what he buys belongs to his master and he is entitled to buy.

33. The laws do not give a man authority to kill his slave by his own hands.

* If, however, a deed which deserves death has been done to him by the slave, he must give him over to the authorities and they shall punish him according to his deeds. * p. 112

If, however, a man, one who does not have authority from the state and dares and kills a robber or a murderer or kills a servant who deserves death, he shall be killed according to the laws—the one who dares and who kills and has no authority for this.

34. If a man wants to free his slave under the stipulation[53] that, after the emancipation, he shall stay with his son or his inheritors for a certain number of years, and that he although a free man should work for the inheritors, the law orders that he is so entitled.

35. Can a man free a slave under stipulation?

He can free (him) before the church or before the judge or through the testament, if he writes the stipulation into the document[54] of emancipation.

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[49] δίκη.

[50] κατήγορος.

[51] ܐܢܦܘܓܪܦܐ, ἐναπόγραφον.

[52] ἀῤῥαβών.

[53] Or: contract.

36. If a free man when questioned says about himself that he is a slave and agrees with him who buys him—if this man who says about himself that he is a slave is twenty years of age, he loses his freedom and cannot appeal to the help of the laws. Particularly if he has received the half of the price[55] of himself or has eaten it with the deceiver who sold him; he remains a slave of him who bought him.

37. If a woman, a free person, says about herself that she is a slave maiden, and she will be taken so that she will be sold or given as *phernītā* of a woman; if she is younger than twenty years the laws help her and she can rise against slavery and return to freedom.

But if she is twenty years old and above, she injures her freedom and remains slave maiden of the one who bought her or to the one who took her as a *phernītā* of a woman.

* p. 113 38. In regard to those men and women who receive stolen * objects from the slaves, the laws order that they have to return them to the owners fourfold.

39. If a man buys a slave by *qalērasā*[56], translated "good contract", and before the completion of six months, those which are the *prāutesmiyā*[57] set up by the laws and reckoned since the day of the selling of the slave, finds in him something, a hidden sickness or a demon, the law orders the return of the slave to the man who sold him and he must receive the money he paid (originally).

But if the six months since he received him are completed, and (he has not noticed) a hidden sickness in the slave, the one who bought is not entitled to return him to the one who sold him.

40. Thus the regulation about the slave and slave maiden in the (legal) judgment :

If a man buys a slave or slave maiden *qaqēprasis*[58] or *hōpleōnē*[59], that is translated "bad contract", by simple purchase with no retreat, and the one who bought wants to give back the slave or slave maiden to the seller, he cannot because he has bought by the bad contract.

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[54] τιμή. Sachau was impressed by the deviation presented by Ms. Borg. Syr. 81: "Ich halte die letztere Lesart (i.e. ܪܡܝܐ Betrüger) für besser und ܕܡܝܐ für wenig wahrscheinlich ...", *Syrische Rechtsbücher* I, p. 192. Our source which goes hand in hand with Ms. Br. Mus. Add. 14, 528, cf. *Syrisch-römisches Rechtsbuch* § 73, p. 19, speaks against its trustwothiness.

[55] Lit. she will be occupied, engaged.

[56] ܩܠܐܪܣܐ καλὴ πρᾶσις.

[57] ܦܪܘܬܣܡܝܐ, προθεσμία.

[58] ܩܩܦܪܣܝܣ, κακὴ πρᾶσις.

[59] ܗܦܠܐܘܢܐ, ἁπλῆ ὠνή.

But if he finds a demon in the slave or slave maiden, he is entitled to return him to the seller and receive his money.

If it happens that the lad—or slave maiden—flees back to the house of his former masters or he turns out to be a thief, the buyer can return the lad or the slave maiden and not only this but the buyer can demand the price of what was stolen.

41. When a slave is freed by his masters and he becomes a free man and the slave inclines to take a slave maiden for his wife after * he is freed and he has children by her, the law orders that the children from a slave maiden shall not inherit but those masters who freed him shall inherit him.

* p. 114

42. The one who wishes to free a slave shall free in the following way:

If the freeing of the slaves takes place in a town, then (it shall take place) before a bishop and six presbyters from his clergy[60].

If the freeing of the slaves takes place in a village, then before the periodeut[61] and the presbyters of the village so that with them five other priests are present, and before the inhabitants of his village so that as witnesses they give their signature to the act of emancipation of the slaves. If a slave is freed in this way, his emancipation is valid and he shall be a free man.

If, however, his emancipation does not take place before the clergy, the emancipation of the slave is not valid and he shall be under the hand of his former masters serving slavery as the precept of the laws orders.

43. If a man buys an estate or house, or a *nāumiyā*, or a threshing floor and for ten years he is in the *nāumiyā* of the object, without being troubled by anyone with the claim that the object was pawned to him or for any other reason makes a claim over the object and no one has confirmed this by a *perangeliyā*[62] in writing—and if a claimant then emerges in that place, the purchase remains valid because no one has troubled him and challenged him.

But if the claimant is in a far off country as a merchant or as a Roman or as a servant in the military[63] and he returns from a far off country, the law gives him the opportunity up to twenty years to bring up his reclamations[64] or something that was pawned by the seller, or the *nāumiyā* which someone has taken, though it did not belong to him (in his possession).

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[60] κλῆρος.

[61] περιοδευτής.

[62] ܦܪܓܠܝܐ, παραγγελία; the Syriac term at the end of this section, translated "challenged him", represents ܦܪܓܠܗ, παρήγγειλε.

[63] στρατεία.

But if the twenty years pass by and he reclaims through the order of the laws by the way of reclamation is void.

44. What shall the one do whose lawsuit is started on the basis of *prāutesmiyā*[65] when the *prāutesmiyā* has expired?

* p. 115 * The man who goes into the lawsuit must send the *perangeliyā* to his adversary and, after the (issuance of the) *perangeliyā*, he shall wait four months.

If this lawsuit does not come up before the judge (the lawsuit comes to nothing). The claimant shall start the lawsuit anew and draw his adversary before the court.

If he, for the second time, through his cunning by the *prāutesmiyā* brings his lawsuit to nothing as in the first case, he has lost the lawsuit (because it is void) and he has nothing to do with his adversary because he brought his lawsuit and the matter to nothing two times. The laws do not permit this a third time.

This law is set up because such *diqes* together with the *prāutesmiyā* are treated before judges.

45. How much time is required to elapse after the *perangeliyā*[66] so that the lawsuit can start? In respect to which matters? At what point does the time begin?

From the emergence of the accusation, as soon as the *perangeliyā* is sent out, it is required that four months be completed. (However) so that among them is found no weak month, i.e., Tāmmūz[67] or *Tešrī qadīm*[68], for these as weak months exclude themselves from the number of the four months: (the month) Tāmmūz is Julius.

The following terms are set up by the laws: Three months and six months and thereafter nine (months) because of the matters which the judges require for statements of liabilities or witnesses according to how distant the places are. (If such matters are) under the authority of a prefect[69] or of the judge of the country, three months will he be given as *prāutesmiyā*. If, however, the matter required involves another state, six months are given as *prāutesmiyā*, which is called *diapōntiōs*[70].

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[64] ἀγωγαί.

[65] ܦܪܘܬܣܡܝܐ, προθεσμία.

[66] ܦܪܢܓܠܝܐ, παραγγελία.

[67] The month of July.

[68] The month of October.

[69] ἡγεμών.

* 46. The older laws which were ordered by the victorious King Leo * p. 116 and set up by the King Theodosius about the *phernītā* of women. They are as follows:

If (in the marriage) one wishes to separate oneself from the companion, whether the man (from the wife) or the wife from the man, the one who wants to separate sends a letter of divorce, that is, being translated *rīpūdīn*[71]. From this *rīpūdīn* the transgression becomes manifest.

If the man transgresses against the wife, he shall give her back her *phernītā* and the marriage settlement[72].

On the other hand, if the wife transgresses against the husband, he gives her her *phernītā* but keeps her marriage settlement for himself on account of her offence.

If the husband and wife love one another and their communion is dissolved by the death of her husband, the wife receives her *phernītā* and the marriage settlement whether she has children or not.

If through the death of the wife, who leaves no children, their communion is dissolved, the husband takes her *phernītā* and his marriage settlement in the name of his children.

If the wife who has children, dies and they die first and she afterwards, he takes her marriage settlement and the sixth part of the *phernītā* which she brought to her husband, in the name of everyone of the children.

If the wife dies before her husband and she has lived with him for three years, he takes to himself all the marriage settlement and the fourth part of her *phernītā*.

If she lived (with him) for five years and up to seven years, and has no children, the man shall take all the marriage settlement and the third part of her *phernītā*. The two remaining parts he delivers over to her father.

If he is not alive, he shall bring it to her when she is dying that she should make a testament[73] and leave it to anyone she wants.

If the wife has lived with her husband for twelve years or as much more as God wills that she lives, and she dies before her husband,

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[70] ܕܝܦܘܢܛܝܘܣ, διαπόντιος.

[71] ܪܝܦܘܕܝܢ, repudium, a bill of divorce.

[72] δωρεά.

[73] διαθήκη.

* p. 117 * her husband shall take her marriage settlement and the half of her *phernītā*. The other half he shall hand over to her father if he is still alive.

If he is not alive, he proposes that she make a testament regarding the half of her *phernītā* and leave it to anyone she wants.

But if the wife dies and she has no children, and no father alive, and has not made a testament, then that part that is due to her according to the years she has lived with her husband, becomes an inheritance for her relatives and to her families, those who are nearest.

However, about the burial (of the husband) and the wife and concerning that which is being buried with her (or him), the laws order that everyone according[74] to what he inherits shall give to the expenses[75] of her (or his) burial.

47. The blessed and celebrated King Theodosius—may his memory be blessed!—for causes which took place during his lifetime through raving people, together with all the beautiful things what he has done for the people, also added this very beautiful thing to all men who are under the authority of his kingdom.

If there is a Christian who owes to his companion a certain sum of money and this was not reclaimed up to the completion of thirty years, then the creditor no (longer) has a way of demanding (this) from the man who owes the debt, and (also) not from his children.

Except in this case: an explicitly marked and known object was given as security to the creditor, and it was designated a vineyard, a field, a slave, a house, or something other like this; and the debtor did not afterwards give the object, which was given as security to the first creditor, to another creditor[76], or sell or give the object as a marriage settlement or as the *phernītā*, nor did the object change owners in any other way—whether the security be a single, particular object or all that the debtor possesses, supposing that it has not changed its ownership—the creditor is then entitled to take (the surety) for his debt although his statement of liability is more than thirty years old.

* p. 118 * If in some way the pawned object has changed its owner, the creditor whose statement of liability is beyond thirty years is in no way entitled to take the object given him as surety.

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[74] ἀναλογία.

[75] τιμή.

[76] πρόσωπον.

For if a claim rests on an object and this claim has not been raised before (the expiration) of thirty years, then after the (elapse) of the years which have been determined by the laws of the blessed Theodosius as thirty, the *agōgē*[77], translated, "every way against any matter", is void.

(This is so) whether it be against a debt, against an inheritance, against legal demands, against company business, against the boundaries of the fields, or against the *nāumiyā* of running water for the watering of gardens or against waters directed from the aqueduct[78] and which run into the houses of the people in the town.

If it happens that someone neglects his *nāumiyā* for thirty years, his *'agōgā*[79] becomes void and he cannot reclaim—that is what the laws order.

48. The blessed and glorious King Constantinus—may his memory be blessed!—whom our Lord Jesus Christ elected for the kingdom of his people, as king honored the Catholic[80] church through many gifts and the entire priesthood in different ranks, beginning with the blessed fathers, the bishops, chorepiscopoi[81], presbyters, deacons, along with subdeacons and lectors. As we have said, through many gifts to all the ranks of the church, he honored the dignity[82] and the maintenance of all the clergy in all the towns and gave his maintenance to everybody according to his rank and dignity from the exchequer[83].

He exempted clerics from all tax so that they did not pay poll tax nor tribute[84] nor something similar.

* He has set the clerics free also from the dominion of the people * p. 119 and saved them from the yoke of subjection to their parents.

Again, the blessed King Constantinus has added and given (other) gifts to the church of Christ from which in every town the brothers, sisters, and widows and the entire regular clergy[85] of the church shall be fed.

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[77] ܐܓܘܓܐ, παραγωγή.

[78] ἀγωγός.

[79] ܐܓܘܓܐ, ἀγωγή.

[80] καθολική.

[81] χωρεπίσκοπος.

[82] The text reads ܒܐܣܟܝܡܐ, σχῆμα, but it is obvios that this is erroneous and the reading should be the same as at the end of this paragraph, namely ܐܟܣܝܘܡܐ, ἀξίωμα.

[83] ταμιεῖον.

[84] χρυσάργυρον, auraria pensitatio.

[85] Ms: ܩܢܘܢ, κανών.

Everyone shall pray together that our Lord keep firm the entire kingdom of the Romans, adore the Trinity and confess the orthodoxy.

49. The believing King Leo—he, too, in his time honored the church of Christ, overthrew the heretics, particularly the whole heresy of Nestorius of decayed mind, and honored othodoxy and established the praise of the Trinity and very greatly honored the day of the Resurrection of our Lord, namely the first day of the week.

He has set the laws and abolished (previous) judgments and (has commanded) rulers[86] and governors that they should not act in their office but every one should gather in humility at the cherch of Christ offering petitions, prayers and supplications to the Trinity, knocking at the holy door of the divinity in purity and uprightness of their heart (thus) to obtain what they request.

Again, in the law which he has set up, he has ordered that no man shall dare to seize a man on Sunday and raise a claim because of any worldly affair, not because of the debt or accusation regarding insult nor because of one of the accusations regarding evil deeds, but as was said before, every man should be in peace and fervor, everyone in his place, and in the church of Christ for prayer and petition so that no one may have fear before his creditor or the judges or their servants who are the officials[87] of the (royal) officers[88].

This blessed man has honored the priesthood and all the members
* p. 120 of the church, * (also) the mourners of the monastery. (He decreed) that if anyone dares on an appropriate day that is not Sunday, to hand over someone of the Christians, (to the authorities) because of a debt whether large or small—he determined for the officers a fixed fee[89] which they may take from Christians handed over to the authorities, fixed to a (limit of) half a dinar.

If the officers dare to demand something more, the double of all that which they took shall be demanded from them.

50. Again King Leo, the blessed—may his memory be for blessed!—set the laws that the *phernītā* settlements which are from the date of his law into perpetuity, shall be regulated by contracts and has determined these contracts in the following way:

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[86] ἀρχαί.

[87] τάξεις.

[88] The term is ܐܦܝܠܝܘܐ which must be a corrupted text; the codex in Rome has ܐܘܦܘܠܝ̈ܘܐ; perhaps it should be ܐܦܝܩ̈ܝܠܐ, royal officers, ἐπικλεής.

[89] σπόρτουλον.

Anything which the wife brings to the husband shall be written up in the *phernītā* (document).

The husband brings to the wife the marriage settlement as agreed between both of them, whether gold, properties, garments, whether money or slaves, or cattle or horses or camels or flocks of sheep, and shall make a contract.

In every place according to the (local) law, what the wives bring as *phernītā* and the men as marriage settlement, this (is regulated) according to what their wives bring to them, as it is in the capital of the kingdom and in all the country in the west.

What the wife brings, (namely), as much as she brings of whatever nature or kind of object, just so does the husband bring (as much) to his wife as a marriage settlement and gives it to her in writing.

If...[90] her husband writes her a hundred dinars in an object as a marriage settlement; if the wife brings two hundred dinars the husband brings two hundred dinars. They bring to one another equally, the wife and the husband, in the *phernītā* and in the marriage settlement.

However, there is another custom in the country of the administration of the east. It is this: if a wife brings a *phernītā* of a hundred dinars in objects, the husband brings a half, namely (fifty) dinars.

As to the contract which the king ordered and the laws which he set up, they are these:

* If a husband leaves his wife without offence (on her part), he shall give her all the *phernītā* and all the marriage settlement[91] as was determined between them in writing in the *phernītā* and the marriage settlement. * p. 121

In the same way, if the wife leaves her husband without (her husband) having committed any offense against her, it is fixed by the laws that she shall leave without taking her *phernītā* or her marriage settlement.

If through the death of the husband of the wife, the fellowship of two is dissolved, she receives her *phernītā* and a half of the marriage settlement that her husband had brought to her.

If their fellowship is dissolved through the death of the wife of the husband and if there are children or no children, the husband receives and takes to himself the whole marriage settlement he brought to his wife, and a half of the *phernītā* which she brought with her. He shall return the other half to the father of his wife.

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[90] The text has suffered here.

[91] δωρεά.

If she does not have her father any longer, he shall return this half of the *phernītā* to his wife (before her death) and she is entitled to make a testament and write it to the inheritors or heirs. If she has children, to her children, if no children of her children, to anyone she wants.

But with regard to the *phernītā* before (the time of) the blessed King Leo, (the procedure should be) according to the ancient laws and according to the statutes written in the *phernītā* (documents) because of the conditions which occur between men and women, or because of the *rīpūdāyē*[92], translated, "letters of divorce", or by what may happen, or a separation takes place by the wife—the laws order that the judges shall adjudge every case according to its time.

51. About this, that among many of the people, wives and husbands do not write among themselves the *phernītā* and the marriage settlement.

There are nations who are not used to the custom of writing documents called *phernītā* between the wife and the husband, * but it suffices them (to do this) only in confidence[93], to become engaged to their wives, to crown them with a crown, to the glory of virginity and in peace, joy, and with singing to lead the wives from the house of their parents to their homes.

* p. 122

The laws acknowledge this agreement in confidence as the *phernītā* which has been written between the husband and the wife, and children of the wives who have no *phernītā* for their husbands, inherit (that of) the husband insofar as they have only the agreement in confidence according to the law of every country.

But, if certain things happen, these wives may lose if they do not[94] have the *phernītā* also the marriage settlement from their husbands. However, the children, born from these wives who have married their husbands in the agreement of confidence although they have no *phernītā*—their children are the inheritors of their parents like children whose mother has a *phernītā* according to the law.

52. The laws order that no one shall take the wife of his brother. Again, one who has become a widow cannot become a wife of the

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[92] ܪ̈ܝܦܘܕܝܐ, repudium.

[93] παῤῥησία.

[94] The text is erroneous; instead of ܐܝܬ it should read ܠܝܬ.

brother of her husband. Again, a husband whose wife has died, cannot take the sister of his wife as his second wife, so to say, two sisters. The laws have determined these (rules) because of evil happenings which have occurred through many who have indulged in passion. For instance[95], a man loved the wife of his brother so that both were against the husband of the wife and killed him through poison; again, a wife loved the brother of her husband and they were both against the husband, and killed her husband by poison; again, the husband loved the sister of his wife, they were both against the wife and killed the wife of the husband through poison.

Because of such disaster through evil deeds, the laws forbid any marriage like this and the law orders that those who dare to join in such a marriage—except that they request (the head of) the kingdom—their children shall not inherit nor any one of their generation of those who have consented with them regarding the improper marriage between them.

* If, however, there is no deceit in the midst of such an affair then * p. 123 this is what must take place. The husband must bring a petition to the king. On the basis of the order of the king, the husband may take the wife of his brother. In the same way, again, it is right on the basis of the petition and of the order of the king that he may take the sister of his wife as his wife. On the basis of this decree[96], i.e., the order that the king gives, their children shall inherit their properties and possessions.

Again, the laws forbid anyone to take the daughter of his brother to wife, or the daughter of his sister or the sister of his father, or the sister of his mother, or the wife of his father, or the concubine of his father. If any one dares to carry out such a deed, which it is forbidden to do, the laws have hindered them so that their sons and daughters shall not inherit. Nor shall anyone of their families (inherit), those who were aware of the improper deed which they committed since they agreed with them and did not hinder them from their impudence.

For these laws have been set up excellently; they hinder those who marry in insolence from making a testament inscribing the inheritor they desire. It also does not give them authority over their properties and possessions. But the law orders that (others) shall inherit their possessions and properties; if there are some in their families who did not agree to their marriage, who did not bring a present to their marriage feast, or did not know of their insolence, they shall inherit of them.

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[95] Lit. I say.

[96] σάκρα.

If, however, they have no family (member) who had not agreed to their insolence, then the exchequer[97], i.e., the treasury chamber of the king, inherits.

53. If a man lawfully marries a wife with a *phernītā* and has children and his wife dies, and if he takes another wife, the wife of his brother or the sister of his wife or the sister of his father or the concubine of his father or the wife of his father or the sister of his mother, and he has children from one of these wives, the law orders that the children of that marriage of insolence shall not inherit.

* p. 124 * But those children, however, who have been born lawfully from the first wife—they shall inherit because it was not possible for the children to hinder their father from daring (to transgress).

54. If a girl promises a man to become his wife and her parents or she herself receives a ring or any graven work in gold or gifts or other objects, and he who made the proposal of marriage to her dies—if now the parents of the one who made the proposal of marriage to her or one from his family or of those who are related to him may demand a return (of the gift) from the girl or her parents, the laws order:

If there has been a bridal bed for the girl and her bridegroom has seen her and kissed her, she gives half of what she has received—gold or garments or something else from her bridegroom or his parents—and shall return it to his parents[98].

If the bridegroom has no parents, (then) to the relatives who are close(st) to him in generation. If he has no parents or others who are closely (related) to him, his betrothed is the closest and everything she has from her bridegroom and from his parents, the law gives her.

If a young man betrothes a girl only through others, since he is far away and there was no bridal bed for the girl and the bridegroom has not seen her or kissed her, if the girl dies, everything that he gave or his parents to her, shall be returned to him or his parents by her parents or relatives—everything that is his except that which is to be deducted for eating and drinking.

55. If a man betrothes a wife from her parents or from her rela-

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[97] ταμιεῖον.

[98] Lit. men, people.

tives or a person closely (related) to the woman and gives as an earnest[99] a ring or a graven work in gold or dinars furnished with the imprint of the king, but then the man who betrothed her does not wish to take her as for his wife, he loses his earnest and everything he brought to her as to his bride.

But if the parents of the girl wish to annul the betrothal, and do not deliver over the girl to her bridegroom, then they give what they received on the first day as earnest double (in amount). The rest, that which they received as gifts after that day, gifts which were given to the girl by her bridegroom (are returned) * as they are (and not more). * p. 125
In any case—only what they received on the first day is returned double.

56. If a man gives over his daughter and he promises her in her *phernītā* a sum of money or another object and this is written down in her *phernītā*, and on the third day or (latest) on the fifth day, the husband of the wife has not (seen) fulfilled what was written in the *phernītā*, he shall demand on (these) days what is owed him in the *phernītā*.

If they do not give it to him and fulfill that which is written in the *phernītā*, then they shall issue a statement of liability to the man of the woman on anything that is owed (to the effect) that within a certain term[100] they will pay what they owe in the *phernītā* of their daughter. The parents or relatives shall receive from the husband of the woman another document in which it is written: "I have received such and such and everything that is written in the *phernītā* is fulfilled". This writing is called *'apōlemsīs*[101].

But if something of the *phernītā* of his wife remains owed to the husband and he does not demand the same within five years and the time expires, then the legal way[102] is closed so that he cannot demand it if he does not have a letter of liability.

57. Is an orphaned girl who has no father, but a mother and brothers, entitled to marry without the consent of her mother and brothers?

If she has a curator, she is entitled to become a wife to whom she wills with the consent of the curator.

If she is a full grown woman according to the law, she is entitled to marry a man without the consent of a curator and without the word of her mother and her brothers.

[99] ἀῤῥαβών.

[100] προθεσμία.

[101] ܐܦܘܠܡܣܝܣ, ὑπόληψις.

[102] ἀγωγή.

58. If a man marries a widowed woman and buys an object in her name, or a farm or something different, if he gives her the usufruct[103] of this object which he bought in her name, the usufruct makes the woman the owner of the object bought in her name.

* p. 126 * 59. If a man buys an object or a farm or a slave in the name of his young wife whom he has taken as a virgin, is the purchase which the husband has made in her name valid?

The law orders that if he has bought it out of his property, it is not valid.

However, if an inheritance, after the *phernītā* which the wife brought him, came to her from her parents or from any side of her family and he has bought the object in her name from these funds, the purchase he made in her name is valid.

60. If someone takes by force a virgin or widow, he is guilty of death: he who has taken by force is convicted as an adulterer.

61. Inquiry has been made about the law regarding the number of children (there must be) to grant the woman the *jus liberorum*[104], to that one born free by nature and to that one set free from slavery?

It has ordered : that, to the one born free by nature, the *jus liberorum* is granted on the account of three children.

To one set free, the *jus liberorum* is granted on the account of four children.

62. Whether the wife can add to her *phernītā* after her marriage?

If possessions or an inheritance or goods come to her from her parents or one of the degrees of her family or as gifts from anyone of them so she can do this, she may bring the possessions or goods which have fallen to her to her husband, adding them to her *phernītā*.

Or, she may demand from her husband the document in a lawful way, the same whether the increase be a possession or goods, in writing (to the effect) that he owes her the possessions together with their interest and the properties together with their profits.

63. After a man and woman become married, so long as they are with one another and their fellowship continues, neither can write a gift to the companion.

However, if one of them writes to the companion and this one * p. 127 confirms it in the case of death * through a testament, it is valid. If it does not take place in this way, it is void.

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[103] νομή.

[104] ܙܕ̈ܩܐ ܕܒܢ̈ܝܐ.

64. Whether a husband, as long as his fellowship with his wife lasts, can accuse his wife on the grounds of adultery or other despicable deeds?

If he is able to prove it, he can.

If he has separated himself through a bill of divorce, i.e., *rīpūdīn*[105], he can accuse her (for a period) up to two months after the separation, provided he can prove it.

This can cause for her the loss of her *phernītā* (in the same way in) which it also could happen before he separated himself from her.

65. What matter makes the woman disreputable?

If her husband dies and she dares to marry another man before ten months after the death of her husband are completed, if she dares and does so, she is one who commits adultery and the laws take the honor from her.

If her husband has written something in the testament, a legacy, the laws deprive her of it because she could not wait even ten months (in regard to her husband).

66. From which honor are they deprived, those who according to the laws are without honor.

They cannot become envoys (and) senators[106]. They do not become priests. They do not become counselors of the king, nor members in the assembly pertaining to the kingdom, nor judges in the towns, nor magistrates in the countries, administrators of the matters of the king or of the towns, for they are deprived of all the honors of the kingdom.

67. As long as her father lives or her grandfather, a woman is not entitled to write (the testament) and set up the inheritors of her *phernītā*.

However, when they die and she becomes free of their jurisdiction, then she has the authority according to the stipulation of her *phernītā* contract to write and give to whom she wishes through the testament.

* In like manner also the man as long as his father or grandfather lives, cannot write a testament. * p. 128

68. When does the woman have authority over the *phernītā* and become owner over it?

When her father (and grandfather) are dead and after these also her husband dies, then she becomes authorized over her *phernītā*.

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[105] ܪܝܦܘܕܝܢ, repudium.

[106] συγκλητικοί.

69. The law does not allow wives to accuse[107] their husbands to the effect that they have done something wrong.

In the same way the law does not allow a man to accuse his brothers that they have done evil deeds.

The law also does not allow slaves to accuse their masters except when they can prove, regarding their masters, that they possess royal purple garments or precious stones, those which people cannot possess but kings alone.

Regarding other matters, it does not allow the slaves to accuse free men before the court or slaves equal to them. For the law does not give a word to the slaves (in this respect).

The law does not allow sons to accuse their parents (to the effect) that they have done evil deeds.

70. If the wife of a husband dies and leaves children behind according to the ancient laws, her husband is master over her *phernītā*.

The decree which the glorified and blessed King Leo ordered is this, that if the father of the wife is alive, the father inherits a half of her *phernītā* and her husband the other part of her *phernītā*.

But if the father of the wife dies and the wife becomes free from the submission to her father, then her husband inherits all her *phernītā* in the name of the children who live.

If she has no children, she is entitled to make a testament and leave the half of her *phernītā* to whom she wants.

* p. 129 71. According to the laws, a free wife is entitled to give * her husband authority through an injunction[108] to administer her property and goods.

72. If a husband had two wives, the first without a *phernītā* and he has children from her, and another who had her *phernītā* lawfully and he has children also from that one, do all the children inherit equally?

It is allowed the husband to let them inherit equally if he calls the children from the wife without the *phernītā* strange inheritors—if he does not call them children but wants to make them inheritors together with his children.

However, if he does not make a testament, then the children from (the woman) with the *phernītā* inherit.

73. If a free woman becomes a wife of a slave and lives with him

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[107] κατηγορεῖν.

[108] ἐντολικόν.

in the house of his masters, she becomes a slave maiden together with those who are born from her in the house of the masters of the slave.

If she does not (commit) herself in writing into slavery and wants to go away, she can go out but her children will be kept behind in slavery.

74. If a slave loves a free woman and a woman receives him in her house and his master learns about this, the master of the slave shall send a warning[109] to the woman three times that she should not receive his slave. If after the warnings the woman still receives the slave, the master is entitled by the laws to draw the woman into slavery.

75. An inquiry has been raised in regard to the law, whether a husband can write his inheritance to his wife, if she has no children or if she has children?

He can write in the testament that she shall inherit together with the children or shall leave her a legacy[110] beyond her *phernītā*. The husband is entitled to write as he wishes and to set up the inheritors.

76. The laws do not allow wives to give security not even for a single object.

* 77. The laws stipulate that women may, if they wish, give their husbands authority through an injunction[111] to reclaim their possessions and goods. * p. 130

If they do not have husbands, they are entitled to give the injunction to any man they wish, so that he becomes a claimer for them.

78. For how much time is it proper for a widowed wife to mourn[112] her husband?

The laws order that she shall mourn her husband for ten months and (that) she can then become (a wife) to another man.

If after her husband dies she dares and does not wait after his death ten months, she is disreputable according to the laws and they deprive her of the honor of free women.

If her husband before he passed away had written something for her into the testament, a legacy[113], the laws (then) deprive her of this legacy as well as of the inheritance.

79. If a wife writes a testament and leaves a testament to the

[109] παραγγελία.

[110] ληγάτον, legatum.

[111] ἐντολικόν.

[112] Lit. await.

[113] ληγάτον, legatum.

children of her son, she is not entitled to set up an *'epīṭrūpā*[114] for them or a curator to administer over them because their father who administers them has authority over them.

If they are orphans and have an *'epīṭrūpā* or curator, she is entitled to set up for her inheritance a curator (—but) only over that which she leaves.

80. If a man takes a wife and she brings him slave maidens as her *phernītā*, and herds of sheep and cattle, (in this) the possession of land is not equal to the possession of human beings, namely the slaves, since the slave maidens bring forth children, those brought in the *phernītā*, or the herds of sheep or other kinds of possession or herds of cattle or anything else which grows in number through increase.

For, if a separation takes place between the husband and his wife, she receives half of the increase of all kinds from the possessions the wife brought in her *phernītā* and the entire amount that she brought (with her). The other part of the increase belongs to the husband of the wife because (these beings) were supported by his (means).

* p. 131 * 81. If a man takes a wife and he finds a demon in her, should he want to dismiss her because of the demon, the law orders (the following):

If the matter is investigated and it becomes manifest that a demon overtook her since he took her as wife, he owes to her all the *phernītā* that she brought to him, and all the marriage settlement which he has written to her.

If, however, the wife had a demon before he took her and the husband did not notice it, and he was deceived and he wishes to dismiss her, he gives to the wife what she brought in the *phernītā*, but he does not owe to her the marriage settlement that he wrote to her.

82. If a man takes a wife and, after having taken her, a suffering of the body strikes her, i.e., if it happens that her body becomes debilitated, or another hidden pain (takes place) that separates the wife from the husband, and if he wants to take another (wife), he owes her her *phernītā* and the marriage settlement.

If, however, out of the old love between them, he does not want to dismiss her, he owes to her a separate dwelling and sustenance according to the measure[115]—because it was not their will that the sufferings struck the wife.

[114] ܐܦܝܛܪܘܦܐ, ἐπίτροπος.

[115] I.e. of the *phernītā* and the marriage settlement.

83. If it happens that a wife who has children by him and for any reason wants to leave her husband, whether she has a *phernītā* or not; inquiry has been made regarding the law, whether she can take one of her children when she departs and can rule over him according to her will.

The laws have ordered: only in case she confesses that this is a child from adultery can she take one of her children.

If, however, she wants to go away of her own accord and her husband cannot find an offence on her part, (she cannot).

If, however, the husband has made her his wife by force, without the *phernītā* contract and against her parents' (will) and she has no *phernītā* (from her parents) she can demand (as a recompensation) for her shame that which corresponds to the amount that her father would have given to her as the *phernītā* and what her husband would have bought to her.

* In like manner (the procedures) can take phace if he sends her * p. 132 away against her will.

84. If it happens that there is a separation between the husband and his wife, whether this be through death or through another cause, which gives the wife the claim to take the *phernītā*, it is right to take the following (into account):

If the garments of the *phernītā* still exist and are not yet mutiliated and worn out, she shall take the garments of her *phernītā* with her.

If, however, they are mutilated and worn out, the price[116] shall be fixed as it was when the garments were new—the kinds of garments and their prices are known to the merchants in every land and town. Thus, the wife shall take this price of the garments of her *phernītā* with her.

If she has gold in her *phernītā* or darics or land, she shall take with her that which she had brought from the house of her parents.

If she in the *phernītā* has brought to the husband oxen or camels or sheep and if something has been sold from the species of animals, she shall take the price instead of the sold animals.

If they all are still existing, she shall take the (full) number she has brought (plus) a half of the increase of all kinds (of animals) and of the sheep and the other half, she shall separate for her husband for the sustenance of the animals because they were supported by his (means).

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[116] τιμή.

The marriage settlement, however, which her husband brought her according to the *phernītā*,—as the computation of the marriage settlement indicates so she shall receive gold according to the property written (in the record).

If one of the animals is dead, he does not owe her a recompensation.

In like manner, if she has brought in her *phernītā*, a slave or a slave maiden and they still are extant, she shall take these slaves (and slave maidens).

But if they have been sold, her husband shall return to her (their price).

If the slave maiden has children, she shall take half of her children.

* p. 133 * If one of the slaves is dead, he owes her nothing.

85. Whether a husband can dismiss his wife depriving her of her *phernītā* if he cannot accuse her in matters which according to the law involve the loss of it.

The husband cannot, except he can prove the matter as punishable by the law; these are: if she has committed adultery with another; if she has spent the night in another house that is not hers, (namely other than) the chamber of her husband; if she has gone to a theater[117] to see improper things and all that is related to these things. If he can prove one of these things, he can dismiss her so that she does not take her *phernītā*.

If, however, he wants to dismiss her for (other) reasons, though he cannot prove one of these things, he cannot dismiss her without the *phernītā* nor may he deduct anything from her *phernītā*.

86. Whether a wife can give a *rīpūdīn* of divorce to her father-in-law or to her husband and take her *phernītā* when she cannot prove an offense against her? *Rīpūdīn* is the bill of divorce.

A wife cannot carry out divorce and take the *phernītā* without the agreement of her husband and her father-in-law, except in the following cases:

Testimony of two or three witnesses who testify and swear that her husband has beaten her in an illegal way.

Or he has done to her such things as deserve divorce; such are, namely: witchcraft, brigandage[118], or adultery.

Or that he brought a harlot into the house over against his wife.

Or that instead of his wife he has taken a concubine[119].

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[117] θέατρον.

[118] ληστεία.

[119] πάλλαξ.

And not only this—but also if he has beaten her with a rod or a kick or with a whip[120] like a slave, or has lifted an iron instrument against her.

Under such circumstances she can. With such an argument, the laws command to give her the *rīpūdīn* when she reclaims her *phernītā* without any impediment.

* However, she cannot enter into a legal procedure[121] against her father-in-law unless he has given his agreement to her *phernītā*. * p. 134

If her *phernītā* (contract) was made with his approval, he having given his signature to it, this (opens the) way for legal procedures also against her father-in-law to reclaim her *phernītā*.

87. If a man dies without a testament, his daughters inherit of their father together with their brothers.

If their mother dies after their father and has no testament, they also inherit it of their mother together with their brothers equally.

If, however, during the lifetime of their father they become married and receive a *phernītā* from their father, they pool their *phernītā* gifts with the body of the (inheritance) of their brothers and inherit equally.

If it happens that after the death of the father, while the mother is still alive, one of the brothers dies not having made a testament and has no children, they inherit of him together with their other brothers and mother. For according to the (right of) inheritance their mother is numbered along with her children as one of the inheritors and inherits the one who dies whether a son or a daughter.

If a man dies and has no testament leaving the only son behind or the only daughter, and it happens that this only son dies while his mother still lives—if he has an uncle or a son of the uncle or sons of the uncles so his uncle inherits him or uncles. From the three parts of his inheritance, one part is for all and his mother inherits two parts.

After the first degree, the inheritance is denied the women so that they do not inherit together with the masculine members, i.e., not the children of the sisters or the children of the paternal aunts, or the sons of the maternal aunts or the children of the children of them, so that (the children) of the female do not inherit together with (the children) of the masculine (members).

If, however, the generation[122] of the father has died out, i.e., the seed of the masculine children, then the feminine generation of the father enters the inheritance.

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[120] φραγέλιον.

[121] ἀγωγή.

[122] γένος.

If also the feminine generation is dead, then the generation of the mother of the man is called for inheritance.

* p. 135 * Because of the law, it will be investigated as to who is the closest (in relationship) and he shall inherit.

88. If a man married a wife and that man dies, having no children, the wife will receive her *phernītā* and half of her marriage settlement.

If she was a long time with her husband and it happens that the garments of her *phernītā* are worn out, she shall take the price of them as they were good.

If pieces of worn out cloth are extant and the garments were fabricated in the same village or in a town—it is written in the *phernītā* contract of the woman as to where they come from—one learns the price[123] of the garments of every town and every village, since it is known to a merchant.

Should the woman have engraved work in gold or vessels in silver, one knows their price.

Also, if she has (brought with her) fields, (their prices) are known.

If they are slaves and slave maidens and if they still live, the woman takes them.

If they are dead, the woman loses on the grounds of mortality.

If the slave maidens that she has brought in her *phernītā* have left children behind, the wife takes half and the inheritors of her husband the (other) half.

It is in like manner if she has brought herds of sheep or goats or beasts of burden or herds of cattle, or female beasts. If these possessions still exist, the woman takes (these animals) and half of their young. If they do not exist any longer (she takes) half of their young.

In like manner one owes to the wife if she has brought bee hives.

89. The laws order that those who serve as Romans or in any
* p. 136 other services[124] of the kingdom, that they shall not be * *'epiṭrūpē* or curators of the orphans. And neither (shall they serve as) an agent[125] and shall not represent a legal matter[126] for someone, except they are

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[123] τιμή.

[124] τάξις.

[125] ἐντολεῖς.

[126] δίκη; the same δίκη appears also in the following line in a term translated "a cause".

entitled to plead a cause only for themselves—until they are set free (from the duties) which they carry out in the service of the kingdom.

90. If a man frees his son or daughter before a judge and frees him as one emancipated from his jurisdiction and he shall have children after he was set free, the father who has set free his son has no authority over the children born to his son after his emancipation.

The children are set free from the jurisdiction of their old man, that is, the father of their father.

91. If a man wants to free his son who (still) is a minor and release him from the jurisdiction of his hand, the law orders that he can release him.

If also the grandfather wants to release him, he is entitled (to do so).

92. Whether the laws subjugate the sons of the sons of the man to their grandfather?

The sons of his son are subjugated to him, but the sons of his daughter are not subjugated to their grandfather (but) to the father of their mother, for a man has authority only over his daughter[127].

93. If a man makes a testament and does not write in it whether that which he has written in it is definitive, and then expresses the intention to write another testament, the testament he has written is not valid.

If now after he wrote he is anticipated by death and thus could not write in it (his signature), then three witnesses together with a lawyer[128] who wrote the testament shall testify before a magistrate[129] of one of the towns swearing: "What we have heard from the mouth of the man who had died is written in the testament and nothing has been changed in it". The magistrate of the town shall confirm the testament writing * in its records, translated *hūpāmnematā*[130]. Then, the testament shall be as valid as those which are signed by the hand of those who die. * p. 137

94. If a man about to die writes a testament and leaves a legacy[131] to many and does not leave to his inheritors one fourth of all his

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[127] The version in Ms. Borg. Syr. 81 reads here: ܒܒܪܗ ܕܝܢ ܫܠܝܛ ܗܘ ܒܠܚܘܕ. ܘܒܒܪܐ ܕܒܪܗ "but a man has authority only over his son and the son of his son". Our document goes hand in hand with Ms. Br. Mus. Add. 14, 528, cf. *Syrisch-römisches Rechtsbuch* § 44, p. 14.

[128] νομικός.

[129] ἔκδικος.

[130] ܗܘܦܡ̈ܢܡܛܐ, ὑπομνήματα.

[131] ληγάτον, legatum.

possessions and of all the goods, it is necessary to reduce the legacy of the receivers of the legacy and add to (the amount) of the inheritance until one fourth of the estate of the deceased is reached.

If the fortune[132] of the inheritance has a debt against it, a yearly tribute[133] or any other debt, the inheritor must (first of all) take this from the fortune and then make an account with the receivers of the legacy, setting aside for himself a fourth (of the fortune) and dividing the rest which is to go to them.

95. If a man dissolves partnership in an object and writes his (partner) a document of the division[134] of goods and both swear by an oath and declare in this document that the one who makes a claim against his companion shall give his partner a fee of one ounce[135] of gold or whatever (sum) pleases them, or choose to write in the document.

The party that does not keep (the promise) shall give to the party that keeps it—it shall be deemed infamous (not to keep the promise), legally speaking, and the offending party shall pay as the laws require (in the case of) that which liars have to pay as a penalty.

96. If a man buys an object and gives a sum of money as an earnest[136] payment and (the seller) retreats (from the transaction), the law orders (him) to double the earnest which he gave, according to the sum of money (involved).

If a buyer, who gave the earnest, does not wish to buy, he loses the earnest which he gave initially.

97. Is it valid for a man to take to himself a son, one who has self-jurisdiction over himself?

It is not, except if the latter himself declares it in writing before a judge.

If a man persuades his companion to give him one of his sons as a son, it is necessary for the latter to give his son over to him before
* p. 138 a magistrate[137] * so as to release him from his authority and subjugate him, according to the law of the children, to him whom he has given the boy so that he shall be a son. The memorials shall be written, called *hūpāmnemaṭā*[138].

These documents are valid for both parties.

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[132] οὐσία.

[133] ἀννῶναι, annonae.

[134] διάλυσις.

[135] οὐγκία, uncia.

[136] ἀῤῥαβών.

[137] ἡγεμών.

[138] ܗܘܦܡܢܡ̈ܛܐ, ὑπομνήματα.

[139] ληγάτον, legatum.

Nevertheless, such documents about the matter in question are not valid without (the approval of) the king or the judge.

98. If a man leaves through a testament a legacy[139] to an other person who is not related to him and this one has a father or a grandfather, the legacy is not subjugated to his father or grandfather, except only (in this case) that while he is a minor in years, they claim the legacy which was left him and keep it until he becomes a man.

If, however, the man is grown up, he is entitled to take the legacy.

If it is the will of his father or the grandfather of the man to take the legacy that was left to his son or daughter, he shall inform the judge and prove that he is a needy person.

If the judge has given him the authority, then he may rule over the legacy of his children.

99. The *’epīṭrūpē* of the orphans, to whom the cases of the orphans have been entrusted, after they have dealt with their affairs—if he wants to resign, he can not (do so).

100. If someone in writing takes someone as his son before a judge and (afterwards) wants to reject him, the laws do not allow this to him.

The laws also do not allow him to reject his natural son without due cause.

For if he wishes to free them and release them from the authority under his hand, he is entitled to do so before a judge.

101. A father cannot be made responsible to pay something for his son, except (it be that) the son has performed a matter through his father's order.

A man also cannot be taken (to pay) for his father-in-law or his brothers' (debts), unless he has given security for them in (certain) matters.

102. An *’epīṭrūpā* of the orphans can give an injunction[140] * to another man in which he authorizes him to reclaim something on a matter regarding the orphans. But he is entitled to give him this (only) through the order of the judge. * p. 139

103. The laws do not allow a man to kill a thief[141], rather shall one deliver him over to those holding authority and to the investigators who shall punish him according to his deeds.

104. If a man starts a quarrel and prepares a trap by a ruse and

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[140] ἐντολικόν.

[141] ληστής.

kills another man and the murdered man has a father or a brother or another man closely (related) to him who demands his blood, the challenger is not entitled to kill him by his own hand. He, however, shall deliver over (this person) to the authorities so that they, according to his deeds, will punish him.

105. Wherewith will a transgressor be punished, who slanders and does injustice to his companion?

The laws command that according to this what he slanders and does injustice (punishment) shall be given him.

106. If one accuses another man of having killed a man and does not prove it before a judge, he shall be killed.

If one reports about another man that he has committed an evil deed, and he cannot prove it, in like manner the accuser[142] shall be punished.

107. If a man buys a farm or a slave or any other object in the name of another man, so that the usufruct of a farm which has been bought or of a slave or other object is with him and he makes use of it, it is no disadvantage to him if a deed of transfer[143] of the purchase is not issued on his (own name). For, in any case, one asks only who has the usufruct (from whom) also comes the part of the king, i.e., the annual tax[144], particularly so, inasmuch as he paid the price of the object from his own possession.

108. The laws order that the man who is entrusted with the administration of a town shall buy nothing from those who are subjugated to him nor from the things with which he is entrusted, and nothing from their properties and their houses.

In like manner, the laws order the creditor (to the effect) that he cannot buy from his debtor something from his possession or his house until the debtor has repaid his debt to him.

* p. 140 * 109. If a man is shamefully treated by his son or his children, or the children do evil deeds to their father, he is entitled to accuse[145] them before the authorities because of the evil deeds done to him.

If they have done an evil deed to a stranger, the laws do not permit a man to accuse his own children; for children with their parents are not entitled to enter the courthouse.

110. If a man writes to another a donation called *dāurā*[146], a farm,

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[142] κατηγορεῖν.

[143] καταγραφή.

[144] ἀννῶναι, annonae.

[145] κατηγορεῖν.

[146] ܕܘܪܐ, δωρεά.

or a possession, or a house, or a slave, and gives him in the *dāurā* document the authority of the ownership of this object, but retains the revenues of the object so that he can sustain himself by these revenues, the law orders that he is so entitled, (and that he may act accordingly) from the date which he wrote in the *dāurā* document.

But if he wants also to turn the revenues over to him to whom he wrote the *dāurā* document, he shall (do this) in a new writing and give the revenues over to him to whom he wrote the *dāurā* document of ownership—he is entitled (to do this).

111. If a division of the inheritance of the father takes place among the brothers or among the persons who have shares in a joint object and there be no written documents but the division takes place in the presence of witnesses, the laws order that this division is valid.

112. If a man wants to accuse[147] another man of evil deeds, the laws do not allow it, except he gives security that he will stand by the accusation and that he will prove it.

If he does not prove, he shall be punished according to the same accusation of the one accused, (that is), the one who was supposed to have done the evil deed.

113. If somebody in writing legally adopts a stranger as a son and then wants to exclude him from his inheritance, he can do so: he releases him before a judge and makes him a freed one[148], and so frees him (from his fatherly jurisdiction) like a bodily son.

* 114. If a man may accuse[149] a companion without risk[150]? * p. 141

Only the father of the man or the relatives of the one who has been murdered.

A stranger cannot accuse another man on the grounds of murder without surety. If he should accuse wickedly, he shall be carried away by the judge.

115. If a man accuses[151] another of an evil deed, he may bring a counter accusation[152] against his accuser before (the legal proceedings of) the accusation (made) by the first (accuser) is settled.

If the evil deed of which the second man who was accused accuses is important (enough), it is possible that both matters may be examined (together) by the judge.

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[147] κατηγορεῖν.

[148] ܐܡܢܩܝܦܛܘܣ, ἐμαγκίπατος, emancipatus.

[149] κατηγορεῖν.

[150] κίνδυνος.

[151] κατηγορεῖν.

[152] κατηγορία.

116. Does every thief deserve death?

The thieves of the night, particularly if armed, are guilty of death according to the laws.

If they are thieves of the day, they shall be punished with fines.

117. Those who fornicate with masculine persons deserve death according to the laws. If they are thieves of the day, they shall be punished with fines.

118. Those who steal human beings whether slaves or free men, deserve death according to the law.

119. In the same way, perjurers shall be prosecuted according to the measure of their deception by the lawsuits—some shall be expelled into exile, to a far away place, others shall be punished with death according to the laws.

120. Those who rob animals or beasts of burden or horses or human beings, according to the laws, are guilty of death.

Some of these robbers deserve exile[153], to be thrown into a far off land. According as the judges consider the gravity of their sins over against their foolishness so shall they give punishment to them.

* p. 142 * 121. Thieves who bore holes (into the walls of the houses) are guilty of death according to the laws.

122. The laws condemn those who do deeds with deception according to their deeds—the murderer with the penalty of death, the one who has done something that deserves injury[154], with injury.

123. If a man leaves an inheritance to another man through a testament, and he enters the inheritance as the heir, then, should the testator leave some debt behind, the laws order him to pay everything, even if the debt is greater than the inheritance.

If he, however, does not enter into the inheritance, (then) the laws order that one cannot demand the payment of debts from him.

124. If someone leaves an inheritance through a testament, the laws grant him eleven months to deliberate whether he will accept the inheritance or not.

If he wishes, he can refuse to accept.

125. If a man leaves an inheritance to another through the testament and this one does not enter it but gives it as a gift to another one or makes a concession[155]; if now the testator has left a legacy[156] and (also) has left a debt, the heir to whom the inheritance was left, pays.

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[153] ἐξορία.

[154] ζημία.

[155] παραχώρησις.

[156] ληγάτον, legatum.

He who gives a legacy away, pays (the debt).

126. If a man makes with his companion a *dīlōsīs*[157], translated a separation of objects, or another document which men with their companions write up about other matters, and shall write a record among themselves (including) oaths, or that the party which does not fulfil the document written among both parties shall give a sum of gold to the party which fulfilled (the obligations)—the laws command that he who violates the oaths and the *prosṭīmōn*[158] shall be demanded regarding the sum of gold that is in the record (made) among them.

* 127. If a man wants to make a brotherhood with another through a document, (namely) that they shall be as brothers and all that they own and obtain is to belong to both in common—the laws hinder this and anything they write to one another is not valid. * p. 143

Their wives cannot be (held) in common and (also) their children cannot be (held) in common.

128. The children of the daughter of the man according to the laws are not subjugated under (his authority), neither the masculine nor the feminine (children).

129. A division that takes place among the grown up brothers and among other brothers who have an *'epīṭrūpā* or a curator, whether these divisions take place in writing or without writing, they are valid according to the laws, if it is not found that deceit, theft, or fraud has taken place.

If, however, one of these is found (in this deal), the laws annul the divisions because of the deceit and iniquity that is among (them).

If there is one of the minors who is injustly treated by those who here divided, the laws allow this person after he has become grown up, i.e., twenty-five years of age, (to lodge a complaint and) to demand what belongs to him and to seek for his property, (beginning with this date) until the twenty-eighth year of age.

After this person has passed the twenty-eighth year, the laws do not allow him to raise a claim regarding the previous (division).

When a man has divided (something) with his brother, he has authority only over his (own) part.

130. If a man takes a boy or a girl, a child out of adultery or a child of a poor person, whose relatives are not known, from a church or from a bathhouse[159] and raises the child with milk and nourishes it after it grows up, inquiry has been raised regarding the law, whether

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[157] διάλυσις.

[158] πρόστιμον.

[159] βαλανεῖον.

he or she is a slave after they have grown up; the (law) orders thus: (decisive is) the will of the one who has raised the children. Has he raised them as slaves, left them as slaves, then, when he dies, they * p. 144 remain slaves. * Has he raised them as free, left them (as free), (then) when he dies, they are free.

131. If a man lends to another a sum of money and receives for this an engraved work in gold or silver vessels, (and) if the creditor needs his own and therefore reminds the debtor to take his security back and repay his debt, and the debtor is negligent and does not repay, the creditor then sends him three warnings[160] on three different occasions.

If after the three warnings the debtor does not care, does not take back his security and does not repay his debt, then the creditor is entitled to sell the security according to its price. Should the proceeds be smaller than the debt, the debtor must pay the remaining part. Should the proceeds be more than the debt, then the creditor must give the difference back.

132. If a man lends darics[161] to another, without security and does not make a record[162] as an acknowledgement of his liability, but gives it to him only on trust[163], then the creditor is not entitled to take security upon the property of the debtor or his goods.

Further, if he takes (security from him), he shall give the security back to the debtor and, indeed, three times (more) with it. (Only) after this is the way open for the creditor to demand back what he owes him.

133. If a man owns the lower floor[164] of a house and another man the upper floor, and if, when the upper floor becomes delapidated, the owner of the lower floor reminds the owner of the upper floor to repair the delapidation of the house floor, but he does not care and he does not do anything about it. Then the owner of the lower floor is entitled to bring the workers and to pay the expenses necessary for the repair work of the floor. If he puts out the money and repairs it (then he must wait) for a period[165] of four months after the repair work was completed.

(Now), if, by this time, the owner of the upper floor has not paid the expenses spent on the repair work of the upper floor to the owner of the lower floor, the former shall pay to the latter who authorized[166] the repair work double (the cost) together with interest.

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[160] παραγγελία.

[161] δαρεικοί.

[162] χάρτης.

[163] πίστις.

[164] Lit. house.

[165] προθεσμία.

* When the lower floor has become dilapidated, in a similar manner, * p. 145 the owner of the upper floor reminds the owner of the lower floor that he should repair the walls of the lower floor. However, the upper floor (owner) is obliged to help in expenses[167] caused by the repair work of the lower floor.

If, above the ground floor, there is one upper floor (he must contribute) half of the expenses. If two such, then two parts.

If there are three upper levels, then three parts, for the foundation[168] of the ground floor bears all the upper floors.

Also the (middle) walls of the house must be repaired by both parties who possess them.

134. If a man pawns a field to another and there is a stipulation between themselves that the creditor takes the produce of the land instead of the interest in money on his capital[169]—this is a valid deal for the creditor.

If a man pawns an ass to another or a mare or an ewe or a cow and there is a stipulation between the creditor and the debtor that instead of the interest in money the animal shall work for the creditor, this is valid. However, the young of the pawned animal (which are brought forth) belongs to the one who pawned (the animal).

If a man pawns to another a herd of sheep or goats and there is a stipulation between the creditor and the debtor that the produce of the herd of sheep shall be instead of the interest of money, this is valid.

The wool of the herd is for the interest in money and the young of the herd shall be for wages and for the maintenance of the shepherds and shepherd dogs.

However, the increased number of the herd is offset by those of the sheep that die. (In any case), the (full) number of the herd shall remain for the owner.

In like manner, if a man pawns a slave maiden to his companion and he gives her in usufruct[170] that she shall work for him, this shall be (considered) interest on the money that he borrowed from him.

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[166] Lit. restored.

[167] δαπάναι.

[168] Lit. stairs.

[169] Lit. money.

[170] νομή.

If she (during this period) brings forth children, they belong to her owner, the debtor. For a man is not like the earth for it is God's goodness that brings forth the fruits from the earth for men.

135. Regarding a man who lends to another a sum of money and
* p. 146 takes * from him securities and a pledge; and if the debtor does not pay and the creditor needs his own and sells the securities left with him.

If it happens that the guarantor of the debtor buys them, when the time comes for the debtor to redeem the securities bought by his guarantor, he is entitled to do so.

If, however, a stranger buys the securities from the creditor, the owner of the securities is not entitled to redeem them.

136. If a man orders another man through an injunction[171] to lend money to a person, he is reckoned as a guarantor. He can be held by the creditor regarding the capital and the interest.

137. If a man borrows money from many persons and writes to every person (a document) regarding the sum of money, and then dies without having paid his creditors, and if his property[172], i.e., his fortune or all that he has does not suffice, then, first, the first creditor shall be satisfied and after him the second, and the third, the fourth, and (so) the rest.

Also the *phernītā* of his wife and the marriage settlement of her (and the marriage settlement) of the bride, if he has a bride, are counted as promissory notes.

Those which are the first *phernītā* documents shall be paid first.

138. Should a man borrow a sum of money from another, write him a document about the amount of money and set him a pawn regarding something which he has had and that which comes to him.

If it happens that among these he has oxen or cows, they cannot be pawned, because they are the servants and workers of the ground. The law has excluded the oxen from pawning.

139. The laws order regarding physicians and teachers of all books, who are in the towns as well as in the country[173], that they shall be exempt of taxes, i.e., they shall not pay the poll tax or tribute[174].

Further, that they shall not be compelled to be *'epīṭrūpē* for the orphans or curators because the law has set them free; for the physicians heal bodies and the scholars souls.

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[171] ἐντολικόν.

[172] οὐσία.

[173] χώρα.

[174] χρυσάργυρον, auraria pensitatio.

* 140. If a man has a suffering whether from an illness, an ulcer or * p. 147 a wound or from any other kind of suffering that he may have; (and) if a physician takes over his treatment and makes a sick call[175] and the sick person gives him an honorarium, the sick person is not entitled to raise a claim[176] against the physician and to take back what he gave him, whether he is infirm or is no (longer) infirm.

I say that (it is the case) in like manner also with the scholars[177]; the one who has given them (an honorarium) cannot raise a claim in order to take back what he has given.

141. If a man borrows a sum of money from another and he makes him a document of liability that he shall, within a term[178] of six months repay him, the creditor is not entitled to reclaim his loan before this term. If he dares, the laws order that he shall be deprived also of his capital.

142. Whether a curator over orphans under age, if their inheritance for the raising of them is not sufficient, can demand the expenses of their raising from them as soon as they have grown up.

A curator cannot demand the expenses of raising (them) from orphans. Except (only in the case when) the curator has notified the local judge and, upon whose order, the orphans are raised (by him under the stipulation) that he can reclaim the expense of raising (them) after they have grown up according to the laws. He then may, in this way, on the basis of the order of the judge, reclaim the expenses for their upbringing.

143. If a man who has no testament dies, and he leaves sons and daughters as heirs, and if it happens that one of them dies, his brothers (and sisters) inherit, and if their mother still lives, she inherits with them as does every one of her children equally.

144. If only one remains of the children of a man and this one also dies, the laws order that the mother of the orphans inherits two parts of the inheritance and the brothers of the father one part.

* If he has no brother of the father and no sons of the brothers of * p. 148 the father, their mother is the (only) inheritor for them.

But the brothers of the mother or the sisters of the mother, or their sons, shall not be called into the heritance as long as brothers of the father and their sons or sons of sons and the mother live.

[175] περιόδευσις.

[176] ἀνατρόπησις.

[177] σχολαστικοί.

[178] προθεσμία.

But if there are no brothers of the father and no mother, then the brothers of the mother or sisters of the mother or their sons shall be called into inheritance, according to the order of (legal) procedure of inheritance.

The mother does not[179] inherit if she remarries. (If she remains as a widow) she inherits along with her children and the brothers of the father of her children as written above.

In like manner the sisters inherit of their father if they were not married during the lifetime of the father and received their *phernītā.* They bring all that they have received and inherit (the total fortune) together with their brothers equally.

If it happens that after the death of the father of the daughters, their mother still lives and one of their brothers dies and he has made no testament and has no children, they inherit of him along with other brothers and their mother. For their mother (in the right of the) inheritance is numbered as one of her children and inherits a dead child, whether the child is a son or daughter.

If the mother of the daughters dies after their father who had no testament, then also the daughters inherit of their mother, together with their brothers equally.

145. Whether a man—who for God's sake—raises orphans and who has not taken curatorship legally can be made responsible to pay a debt for the orphans or (expenses) caused by a court case, before the orphans legally come of age. He cannot be obliged to pay for the orphans except in the following way:

The creditor takes from the property[180] of the orphans that which is pawned to him by a document, while he issues before the presbyters and the chiefs[181] of the place[182] the following writing: "I, N.N., have taken from the property of N.N. that what was pawned to me by a document".

* p. 149 * He seeds (the field) and eats its harvest and administers it according to his will, as he pays all the taxes[183] for it, whether this (property) be a field, a house, or an establishment[184], and as he preserves the object for the orphans until they attain twenty-five years of age, and (they become) full of age.

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[179] The text is not in order; instead of ܗܟܢܐ it should read ܠܐ.

[180] οὐσία.

[181] αὐθένται.

[182] Lit. village.

[183] ἀννῶναι, annonae.

[184] ܩܛܣܩܘܐ, κατασκευή.

If the heirs are grown up and reclaim the pawn from the hands of the creditor, then the income of the pawn which he holds must be reckoned. If the income is greater than the interest of the debt, this remainder will be given over to the orphans.

If it is smaller they must make up (the balance) in full (and pay it) to the creditor.

146. If a man has sons and one of these sons borrows money from another man, whether for business or for a matter of his own use, if the son dies or flees into another land, can the creditor demand his debt from his father or from one of his inheritors?

The creditor cannot demand something of the debt from the father or the brothers (of the debtor), unless he can (prove) that the father, or the brother had received something of the deposit[185] of the debt or of the objects of trade.

If the father of the debtor can prove that there was something of his own property in the trade or in the possession[186] of the son, (then he shall have it back and) the creditor shall also receive (some recompense) from the property of the debtor.

But if the debtor has left nothing, no inheritance, nor left any goods behind, the creditor who lent to minors loses his property because he has no legal way[187] for demanding (a recompense) from his father or his brothers.

147. If someone has a son or a daughter and one of them who is living with him takes something without his permission, whether it be a document[188] which shows that someone owes (a certain sum) to him for the purpose of getting paid by the debtor in return for which the debtor gets back his document, or an object for the purpose of selling it to another man in order to receive the price of it, can the father of this man (still) demand the price from the person who has made (such) a deal[189] with his son?

If he lives with him and he is subject to him, * he cannot engage in a lawsuit[190] with those who have made a deal[191] with the son living with him on any matter—unless he gives them a legal submission[192] * p. 150

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[185] παραθήκη.

[186] οὐσία.

[187] ἀγωγή.

[188] χάρτης.

[189] ܣܘܢܕܘܣ, σύναξις.

[190] The term used here is ܩ̈ܝܢܣ; is this κίνησις?

[191] σύναξις.

[192] ἀγωγή.

about his son, i.e. the legal right of claim (to the effect) that he has taken these objects as a thief.

If he gives them such a legal submission about his son, as the laws require, he may.

148. If someone inherits through a testament or from a gift[193] from one of the relatives of his father, this is subjected to his father—that which he inherits or which he receives through a gift or shall inherit in any way. A purchase which he has purchased, a find which he has found, an inheritance which he has inherited, belongs to his father.

If it happens that during the lifetime of his father, the parents or relatives of his mother leave something through a testament or as a gift, he gives them in trust to his father to keep them for his son, who must administer these objects well end he, (in turn), has no authority to take anything away from them in no way whatsoever.

After the death (of the father) these objects belong to his son and to his daughter, to her relatives, since these objects come from the parents or relatives of the mother. For such objects which come to someone, whether through a testament or a gift or purchase, or from the parents of his father or his relatives, (these) are subject to his father—that which in every way[194] comes to him.

If the father wishes, he may give these objects to his child that he may inherit, or as a donation, or during the lifetime of his father he may give him through a testament or through a gift-deed.

149. If a man has placed an object as a deposit[195] and it so happens that fire takes place and the object is burned, then when it is determined that in truth fire fell upon the house, then he (who owns the house) does not need to replace the object which was deposited with him because the fire has destroyed the house.

In like manner, if enemies rob the deposit[196] this man does not
* p. 151 need to replace something put with him. Also, if robbers * take the deposit, he does not need to replace what has been put with him.

150. If a man with camels and donkeys or oxen enters an inn[197], and pays the expenses for overnight lodging of the animals and upon delivery of the animals gives the exact number of them to the owner, and it so happens that one of the animals perishes, the law orders

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[193] δωρεά.

[194] πόρος.

[195] παραθήκη.

[196] παραθήκη.

[197] πανδοκεῖον.

the owner of the inn to pay the owner of the animal the price of the animal—according to this, that he can prove he paid for it.

151. But if the owner of the cattle has long since had frequent access to the inn, and he delivers over his cattle to a small child in the absence of his parents, and then by accident one of this (animals) perishes, then (he shall receive) half of the price of it—if he can prove that nothing contributed to its (death) by itself, while others testify about him that he is a free man.

152. If a man places his cattle in an inn, in confidence, without a witness or without delivering (them) over to any one of the owners of the inn, and it happens that one perishes, the owner of the inn incurs no loss whatsoever. The owner, however, of the animal loses the whole of its worth because he cannot testify.

The innkeeper, however, and his hirelings must swear that they had neither seen them nor noticed them.

153. If a man lends money to another without (an instrument) in writing and this one gives him a surety and the creditor needs his money but the debtor does not want to redeem (his surety), then the creditor shall charge the debtor, stating: "Take your surety back and give me mine".

If he responds and then (does) not do so (it is understood) that the creditor is entitled to sell the surety and to pay himself (the debt owed) from the price.

154. If a man lends corn to another and agrees with him on the interest per peck[198] at one-fourth peck per peck per annum, he shall pay according to the stipulation.

(The same is the case) also with oil.

If, however, someone borrows a golden (coin) engraved with the picture[199] of the king, * he shall repay it according to the command * p. 152 of the king. The obliged interest stipulated for a month on a hundred dinars is one dinar called the "percent"[200].

But if the creditor demands more, this shall be taken from the capital.

155. If a man makes a find (for instance) dinars or vessels or something else and voluntarily gives it back to the owners or if he when inquiry is made, without pressure, gives a confession regarding the find, the law orders that he who found receives a fourth part of (the object), whatever it is, and the owner retains three fourths of it

[198] ܡܘܕܝܐ, μόδιος, modius. [199] εἰκών. [200] ܗܩܛܣܛܐ, ἑκατοστή.

156. If a man has a lawsuit with his companion between whom, however, there are <no> writings which would clarify the matter, but it happens that one of the partners says: "I have a witness"—witnesses shall come forward who are accepted by the law; witnesses who are accepted by the laws are these.

Two or three men who are trustworthy, free men, who never have been found in evil deeds, i.e., in stealing or in robbery[201] or in witchcraft, or in any evil deeds such as these, persons with no *'eksūmsīā*[202]; further, that they are not relatives of the man or his friends or from those who stand in business relationships[203] with him, (that they are not slaves) but free men.

These persons the laws accept as those who may testify about anything they know when they take hold of the praiseworthy and terrible law of God and swear that they have testified the truth.

(Further), the laws accept these only if the witnesses are persons full in years, i.e., more than twenty-five years old.

If a matter which is to be examined between the parties that go to the law is old, the witnesses, whom the adversary of the man brings, shall in testifying be questioned as to how old they are (at a time) when they give a testimony; when they have testified orally before the
* p. 153 hearers of the process, * at the same time, they shall testify about the matter—as to how old it is.

If these witnesses are found, at that time, to have been already grown up persons, i.e., more than twenty-five years old, their testimony will be accepted. If, however, one reckons the years (and finds) that their years were less than twenty-five, the laws order that their testimony will not be accepted.

157. In olden times, as God's goodness has acted continually for men in every time according to His many mercies, He has given men discernment and wisdom to build towns, to surround them with walls, and to fortify them with towers, to lay streets and to arrange places[204] in them, to make in them a residence of kings, to build castles there and aqueducts[205] of water.

In like manner, they have also divided lands by the measure and set boundaries between town and town, and between village and village, between kingdom and kingdom.

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[201] ληστεία.

[202] ܐܟܣܘܡܣܝܐ, ἐξωμοσία.

[203] Lit. who take and give in trade.

[204] πλατεῖα.

[205] ἀγωγός.

They have laid roads (leading) from town to town, and have made them even by the measure of the miles and set up milestones along the roads.

They assigned to a mile a thousand steps and made it five hundred *qenīn*[206].

The measure of the *qanyā*, however, is eight *'amīn*[207].

They have determined according to the laws also (regulations) for the buildings of the towns.

They have established a certain width for lanes by measure for purposes of drainage and for the lighting of the houses.

The lanes, broadways[208], and porticos[209], which are drawn through the towns belong to all the people.

Those, however, who possess houses adjacent to the lanes are entitled to leave in the lanes doors, windows and drains.

Also at the porticos[210] and broadways.

If, however, a building stands against another building, and against the usufruct[211] of the other ownership, and if he leaves a drain and windows, * if the window is only an elbow wide, in respect to the usufruct he is required to leave the breadth of two elbows for his entire building. * p. 154

If, however, the windows are large and broad, and a small column, called *danqunblon*[212], is standing between these two, the owner of the building must leave two elbows for a drain and the windows in regard to the usufruct.

If he leaves a window on the roof, it has no usufruct on the earth.

But if a man leaves one drain only without windows, he must leave for the drain two elbows.

The Roman kings have measured the lands according to their laws about the measure of *qanyā*; hundred *qanīn* are one *pēltārā*[213].

The *yūgōn*[214], interpreted is yoke.

The lands were measured in the days of the king Diocletian, and the standard (was fixed): five *yūgrē*, which make ten *pēltārē*.

Vineyards were fixed as one *yūgōn*.

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[206] A measuring rod.

[207] The arm from the elbow to the tip of the middle finger.

[208] πλατεῖα.

[209] στοαί.

[210] στοαί.

[211] νομή.

[212] The term is ܕܢܩܘܢܒܠܘܢ; it must be a corrupted form of a Greek term.

[213] ܦܠܬܪܐ, πλέθρον.

[214] ܝܘܓܘܢ, ἰοῦγον.

Twenty *yūgrē* sowing land, which make forty *pēltārē*, and they give the *annonae* of one *yūgōn*.

In like manner also the land (was measured):

If the land is inferior, set as second[215] (class): forty *yūgrē* make eighty *pēltārē* and they give (the *annonae* of one) *yūgōn*.

If the land is fixed as third[216] class and taxed, it gives sixty *yūgrē* which make one hundred and twenty *pēltārē*, the *annonae* of one *yūgōn*.

The mountains are also registered in the following way: in the time (of the land register) men who have had the authority from the kingdom called the mountaineers, the peasants from another district and, according to their estimate[217], it was written down how much land on the mount gave a modius of wheat and barley.

In like manner, they registered the land which was not sown, * p. 155 * (namely) pasture land for sheep, as to what tribute[218] it should bring to the exchequer[219].

One village pays one dinar to the exchequer every year for the pasture land, another pays two, another three dinars, and even more.

The Romans take in this tribute of the pasture land in the month of Nīsān for the fodder of their horses and buy, from this, fodder for their animals.

Because of the laws[220] set up by the victorious kings Constantinus, Theodosius and Leo, the legal argument[221] shall be explained to the subjects before one who can give them a word of tranquillity or before a judge, and (also) every admonition with regard to the highest[222] of the Christians as the decree that was (in effect) in those times when documents[223] on these matters were written.

Likewise, shall every one judge who hears the lawsuit and renders a verdict and every one of the kings according to the decree and office (relating) what has been put into his power; so it shall be valid.

But if the writer (of the document) changes something in the date or in the instruction or supplements the date or the decree with the wrong datum, something (so written) is invalid.

Yet, (in the matters of the) *phernītā* (document) with every date

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[215] δευτέρα.

[216] τρίτη.

[217] δοκιμασία.

[218] συντέλεια.

[219] ταμιεῖον.

[220] δικαιώματα.

[221] Lit. documents.

[222] ὕπατος.

[223] χάρτης.

(it is valid) so as it is written—according to the decree which has been (in effect).

This decree came out and was ordered by the glorious King Leo about the year 517 according to the number of the reckoning of Antioch[224].

Here end the excellent laws which the glorious and Christian Kings Constantinus, Theodosius and Leo set up. All the beautiful laws were constituted regarding every matter so that a man could leave his goods as an inheritance to his children[225].

* [LXX]

* p. 156

FROM THE DIDASCALIA[1] OF THE HOLY APOSTLES COMMANDMENTS FOR BISHOPS[2]

(1) Judge without respect of persons.

(2) The two parties[3] shall come for judgment and they shall stand together before you, as the Scripture[4] says that the two parties[5] shall stand together in judgment, those who have any controversy[6].

(3) And when you shall hear them, give a judgment righteously and judge them justly[7].

(4) Judge thusly as though you also were being judged—you would request mercy.

(5) Judge thus, even as you shall (surely) be judged, because also by the judgment which you judge, (you as) an assessor[8] (of your court),

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[224] The year 517 according to the Antiochian era corresponds to the year 468 A.D.

[225] The same text appears also in other unknown sources, namely in Ms. Mardin Orth. 316, quire 14, fol. 9b-16, fol. 3b and Ms. Mardin Orth. 323, fol. 131b-170b.

[1] ܕܝܕܣܩܠܝܐ, διδασκαλία.

[2] *Didascalia apostolorum* XI, ed. LAGARDE; cf. *Didascalia apostolorum* XI, ed. VÖÖBUS.

[3] Lit. sides.

[4] Deut. XIX, 17.

[5] Lit. sides.

[6] Lit. request, demand.

[7] The last injunction has been rephrased.

[8] ܒܪ ܡܘܬܒܟܘܢ lit. an associate of your session.

an associate[9] and a counselor will be judged. Our Lord Jesus Christ is with you the overseer of the judgments which you adjudge[10].

(6) If there is one of you who is reviled and accused that he does not walk in the way of the Lord, and is in blasphemy and they blame him—do not listen to them.

(7) Then hear two individuals[11] together in an intense[12] inquiry.

(8) Be careful—because you decree[13] judgment[14] concerning eternal life or concerning an evil death[15]. Take heed as men who know that you decree judgment for eternal life or for an evil death.

(9) Thus sit in judgment: when you sit to judge with the rest of your brethren, let the two individuals[16] (come and) stand together in judgment[17].

* p. 157

* [LXXI]

OF THE SAME (NAMELY) OF THE APOSTLES[1]

We are, however, abruptly[2] removed from the evil things and from those of the world, nevertheless we (have reason to) say: Look, brethren, and see how murderers and evildoers are sent to the kings and appear before the judges and before the rulers—although it is a murderer who is brought there. And how the judges (handle) the testimony which those who bring them give[3] against him—first of all hear from their mouth. And then the judges administer justice[4] to them and interrogate properly[5] the doers of evil, whether these (things) are so (and) whether they have done evil or not.

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[9] ܘܒܪ ܬܪܘܢܘܣ, an associate of the θρόνος.

[10] This injunction is taken from the *Didascalia apostolorum*, but the text has been somewhat modified.

[11] πρόσωπον.

[12] Lit. many.

[13] Lit. give.

[14] Lit. word, saying.

[15] These injunctions hare been rephrased.

[16] πρόσωπον.

[17] Another source for this text emerges in Ms. Mardin Orth. 323, fol. 104a-104b.

[1] About this text, see the *Didascala apostolorum* XI, ed. LAGARDE, p. 52f.; cf. *Didascalia apostolorum* XI, ed. VÖÖBUS.

[2] Lit. swift, hasty, headlong.

[3] Or: subscribe.

[4] Lit. judge.

[5] Lit. well.

And if they have killed and confess, it is not (the case) that they immediately condemn him and send him to die. However, they are to be assembled together and consult about him for many days and his case[6] is under intense[7] thinking. And again they are to ask him. And when the curtain[8] is drawn before the door they through much deliberation[9] at last are to pass the sentence upon him and to decree the judgment of death. (Then) they lift up their hands towards heaven (declaring): "We call to witness that we are clear of the blood of men".

If they (do these things) being heathen and not knowing God, nor even of the retribution that comes upon them from God because they condemn an innocent in iniquity—how much more, therefore, are those who condemn those who are not guilty of sins. But you who you know who our God is and what His judgments are—you shall not dare to pronounce the sentence of death very quickly upon one who does not sin and is falsely accused.

(1) Therefore we counsel you not to do these (things) for you (must) give an answer[10] to God because the judgment of iniquity which you judge shall be the sentence from God[11]. You also, then, (must) fully allow for this.

(2) The judgment which you judge at once ascends before God; * therefore we advise you that your judgment shall be careful (and formed) through inquiry. * p. 158

(3) If you judge in truth and righteously you will be worthy of the reward and the recompense of righteousness from Him, both then and now.

(4) And, again, if you shall judge in iniquity you shall receive from God the recompense which one deserves[12]. In what manner you judge in that way will you be judged by God.

(5) Of the same[13]. Be circumspect in diligence therefore, o bishops, that you be not hasty in sitting down in judgment that you would not oppress to condemn anyone.

(6) However, before they come for judgment, bring them towards

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[6] Lit. question.

[7] Lit. great.

[8] ܘܠܐ, βῆλον, velum.

[9] Lit. counsel.

[10] Lit. word, saying.

[11] I.e. when the end will come.

[12] This is the text of the Didascalia apostolorum represented only by Ms. Par. Syr. 62 and its associates.

[13] About this text, see the *Didascalia apostolorum*, ed. GIBSON, p. 103 ff.

one another and admonish them, and make peace among them[14].[15]

[LXXII]

FROM THE ECCLESIASTICAL HISTORY OF SOCRATES

As this is told[1] concerning the synod that was assembled in Tyre[2] and what he says concerning it and of Macarius[3], the presbyter.

When Athanasius the Great saw that those of them to whom he had taken exception[4] were sent, reacted[5] in an outcry saying this is a procedure[6] of perfidy, for this is not of justice that the Presbyter Macarius should be (detained) in chains[7] while that one who is (his) accuser[8] should be sent together with (his) adversaries to make a collection[9] of evidence[10]—by one party[11] (only).

Afterwards when they were assembled at Antioch[12], the divine Julius wrote to them a letter[13], blaming them severely condemning them as those who trampled the divine canons saying: "These which were performed in Tyre were done fraudulently because the collection[14] (of the evidence) in Mareotis[15] was established by one party[16] only"[17].[18].

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[14] This is taken from the tradition in which different streams come together.

[15] Another source for this text appears in Ms. Mardin Orth. 323, fol. 104b-105b.

[1] SOCRATES, *Hist. eccl.* I, XXVIII; XXXI, col. 157ff.; 161ff.

[2] The synod was held in 335 A.D.

[3] A presbyter in Alexandria who defended Athanasius againt the Melitians.

[4] The Greek original reads here: ὡς δὲ Ἀθανάσιος πεμπομένους εἶδεν οὓς παρεγράψατο· ἐπέμπετο γὰρ Θέογνις, Μαρὶς, Θεόδωρος, Μακεδόνιος, Οὐάλης, Οὐρσάκιος. *Hist. eccl.* I, XXXI, col. 161, 164. About the chief conspirators against Athanasius, led by Theognis of Nicaea and Maris of Chalcedon, see also I, XXVII, col. 153. Others were Ursacius of Singidunum in Upper Moesia, and Valens of Mursa in Upper Pannonia.

[5] Lit. behaved.

[6] Lit. preparation.

[7] Presbyter Macarius was brought to Tyre in chains.

[8] κατηγορεῖν.

[9] Here a technical term ܦܪܐܟܣܝܣ, πρᾶξις is employed.

[10] Here a technical term ܕܗ̈ܘܦܘܡܢܡܛܐ, ὑπομνήματα, acts, records, is employed.

[11] Lit. side.

[12] This synod was held in 339 A.D.

[13] SOCRATES, *Hist eccl.* II, XV, col. 212f.

* [LXXIII]

* p. 159

FROM THE HISTORY OF THE SAME REGARDING THE HOLY JULIUS[1]

This is the one which makes mention of (the incident)[2].

"You know, o my beloved ones, that those (matters) which by one party[3] were judged—there is no power[4] for them for they are under blame"[5].[6]

[LXXIV]

AGAIN THAT OF SOCRATES[1] AS HE SAYS REGARDING THE HOLY JOHANNES[2]

Then he made in the church a sermon which everyone knows[3], whose beginning is thus: "Again Herodias behaves haughtily; again she is troubled; she dances again; and again desires the head of John on a charger"[4].[5] He, however, was confident regarding that which she[6] said and was comforted regarding all that was said against him by his accusers who appeared to be fearful when he asked that these (matters) against him should be investigated—then by the bishops who were gathered[7]. However, only this was inquired in order to come to the judgment, namely that after the first accusation[8] which was against him, he seated himself on the (episcopal) throne without a synod[9] deliberating[10] on this. But he said that sixty-five bishops held communion with him and they deliberated[11] on this. Those[12], however, were saying: "O Johannes, larger is the number of those who at the synod decided against you". But Johannes said that this canon[13] is not of the orthodox[14] church but of the Arians, for those who were assembled in Antioch in order to make void the faith of consubstantiality[15] because of the enmity which they had against Athanasius, had set up this canon[16].[17].

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[14] ܦܪܐܟܣܝܣ, πρᾶξις.

[15] A region with many churches which stood under the bishop of Alexandria, cf. ATHANASIUS, *Apologia contra Arianos* LXXXV, col. 393; Ischyras, his accuser, came from one of the villages in this region where Macarius allegedly had committed sacrilegious acts.

[16] Lit. side.

[17] This letter has been preserved in Greek, incorporated into the work of Athanasius, *Apologia contra Arianos* XXI, col. 879ff.

[18] Another source for this text appears in Ms. Mardin Orth. 323, fol. 105b.

[1] Julius of Rome.

[2] This text does not appear in Socrates.

[3] Lit. side.

[4] Or: force.

[5] Or: accusation.

[6] The same text appears also in Ms. Mardin Orth. 323, fol. 105b-106a.

[1] SOCRATES, *Hist. eccl.* VI, 18, col. 716ff.

[2] Johannes Chrysostom.

[3] This renders the Greek περιβόητον… ὁμιλίαν, col. 717.

* p. 160

* [LXXV]

OF THE HOLY THEODOSIUS[1]

From[2] the fourth chapter[3] of the allocution[4]. (Concerning)[5] a

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[4] πίναξ.

[5] *In decollationem Praecursoris*, PG LIV, col. 485.

[6] Namely the Empress Eudoxia in connection with the silver statue which caused this quarrel.

[7] Headed by Leontius, bishop of Ancyra.

[8] This refers to his deposition by the Synodus ad Quercum, a synod at «the Oak», a suburb of Chalcedon.

[9] σύνοδος.

[10] Lit. thought.

[11] Lit. thought.

[12] Namely the partisans of Leontius.

[13] κανών.

[14] ὀρθόδοξος.

[15] Lit. equality of the οὐσία; this renders the Greek τῆς ὁμοουσίου πίστεως, col. 720.

[16] κανών.

[17] The same text appears also in Ms. Mardin Orth. 323, fol. 106a.

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[1] Theodosius, patriarch of Alexandria (537-568).

[2] This text has been taken from the canonical letter by Theodosius which has been preserved in Ms. Br. Mus. Add. 14, 602, fol. 35a-37a; cf. Vööbus, *Syrische Kanonessammlungen* I, 1, A, p. 276. The text has been edited in *Documenta ad origines monoph. illustrandas*, p. 83.

[3] κεφάλαιον; in the canonical letter this appears as can. 4.

[4] ܦܪܘܣܦܘܢܣܝܣ, προσφώνησις.

[5] This text represents a different recension of it. Deviations are so great that they point to an independent translation.

transgression[6] which happens to a priest, or a sin—no one of his brethren who is in the rank[7] of priesthood has the right (to say[8]): "I shall not sing nor pray nor serve together with an offender", but he shall wait until the deed[9] of the brother shall be righteously investigated, (when) he shall be judged as he deserves.

In rebuke[10] in this way I say, however, he[11] shall not sing nor pray nor serve together with the rest of the rank[12] of the brethren[13].

Again of the same, from the fifth chapter[14] of the same allocution[15].

No[16] one of the clergy[17] shall accuse[18] his brother without (doing so in) writing—except it has to do with some faintheartedness which has no need for a censure[19] canonically[20]—but in writing ...[21] the accusation[22].

If he does not establish (his case) through the prescribed procedure[23] and there are no proofs[24] according to the ecclesiastical canons[25], he who accuses[26] (himself) falls under the reproof[27], ready to receive that (punishment) of the accused[28] one if they had found that these which were said about him were true,—and even (more) added to them.

And I say likewise therefore that he who is not persuaded[29] by the commandments—every one shall know that he is not ours but he who through disobedience alienates[30] himself from us and from all the brotherhood[31].

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[6] Or: offence.

[7] ܛܓܡܐ, τάγμα.

[8] This appears in Ms. Br. Mus. Add. 14, 602, fol. 36b.

[9] Or: affair.

[10] This is one of the accretions in the present recension.

[11] Namely the transgression.

[12] τάγμα.

[13] This text appears also in Ms. Mardin Orth. 323, fol. 106b.

[14] κεφάλαιον.

[15] ܦܪܘܣܦܘܢܝܣܝܣ, προσφώνησις.

[16] See note 2. Also this text represents an entirely different recension. Its deviations point to an independent translation which has been expanded.

[17] κλῆρος.

[18] κατηγορεῖν.

[19] Or: rebuke, reproof.

[20] κανονική.

[21] The text has suffered here and is not decipherable. Also Ms. Mardin Orth. 323 cannot help us here. However, Ms. Br. Mus. Add. 14, 602, fol. 37a reads here ܐܠܐ ܒܟܬ̈ܒܬܐ ܢܗܘܐ ܒܥܕ. ܘܩܛܝܓܘܪܝܬܗ

[22] κατηγορία.

[23] ܐܩܘܠܘܬܝܐ, ἀκολουθία, also order, arrangement.

[24] Lit. demonstrations.

[25] κανών.

[26] κατηγορεῖν.

[27] Or: censure.

[28] κατηγορεῖν.

[29] πεῖσαι.

[30] Or: separates.

[31] This text appears also in Ms. Mardin Orth. 323, fol. 106b-107a.

[LXXVI]

OF THE HOLY MĀR SEVERUS, PATRIARCH OF ANTIOCH, FROM THE LETTER[1] TO THE VENERABLE SŌLŌN[2]

It is in the fourth book of the letters written by Theophilos[3].

* p. 161 * Since[4] even in those[5] (things) which are thought that they are worthy[6] and manifest, we like examination. And then we pronounce judgment on (the basis of) these (facts) of truth, placing before everything the right judgment of the scales of our God. And we are fearing lest by sparing others we (ourselves become liable) in these (matters)[7].

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[1] This letter has been preserved in the collection arranged by Athanasios of Niṣībīn, preserved in Ms. Br. Mus. Add. 12, 181, fol. 25a-26a and Ms. Br. Mus. Add. 14, 600, fol. 28a-29b. Cf. *Select Letters of Severus*, I, p. 74ff.

[2] Solon, bishop of Seleucia in Isauria.

[3] This is new information about the history of the collection of Severus' letters. Who is this Theophilus? Of course one could think here of a reference to Severus himself as Theophilus, but this explanation seems not satisfying. Looking for other explanations encounters difficulties. The qualifications of Theophilus, the Persian, who has been remembered as a scholarly author would be fitting but his dogmatic stand makes his candidature impossible. About him, see Scher, «Écrivains syriens», p. 12. There are no other literary-historical data which can help us on this question.

[4] A similar excerpt appears in Ms. Par. Syr. 62, fol. 253b.

[5] This text goes its own way in a manner which suggests an independent translation. It is instructive to introduce here the known recension of the letter together with the translation of Brooks: ܡܛܠ ܕܐܦ ܒܐܝܠܝܢ ܕܡܣܬܒܪ̈ܢ ܕܐܝܬܝܗܝܢ ܡܬܬܘܕܝܢܝܬܐ ܪܚܡ ܗܘ ܠ ܒܘܚܢܐ. ܘܗܝܕܝܢ ܡܦܣܩܝܢ ܦܣܩܐ ܠܐܝܠܝܢ ܕܫܪ̈ܝܪܢ. ܟܕ ܩܕܡ ܟܠܡܕܡ ܠܕܝ̈ܢܐ ܟܐܢ̈ܐ ܕܡܘ̈ܙܢܐ ܕܡܣܐܬܗ ܕܐܠܗܐ ܡܬܠܬܝܢ. ܘܙܝܥܝܢ ܕܕܠܡܐ ܟܕ ܚܝܣܝܢ ܥܠ ܐܚܪ̈ܢܐ. ܚܝ ܢܦܠ ܬܚܝܒ ܗܠܝܢ. *ibid.*, p. 77f. "Since even in things that are thought to be acknowledged we like examination: and then we will pronounce for the facts of which the truth is established, placing before everything the just judgments of the balance-scales of God, and trembling lest by sparing others we make ourselves liable to these", *ibid.*, p. 70.

[6] Lit. good.

[7] Another text appears in Ms. Mardin Orth. 323, fol. 107a. It is necessary to add a comment about this cycle of three excerpts from the letters of Severus. This cycle is very rare in the entire genre of legislative sources. While the first cycle, containing numerous excerpts from the letters of Severus, which already has been introduced in the first part of the *Synodicon*, vol. I (Syriac text), p. 141f., 143ff., 194ff. and vol. I (translation), p. 141f., 177ff., appears in Ms. Mardin Orth. 310, fol. 146b-154b, in Ms. Mardin Orth. 322, fol. 74a-83a, and in Ms. Dam. Patr. 8/11, fol. 76b-85b, and in a reduced form in Ms. Šarf. Patr. 87, fol. 126a-129a, and as a torso in Ms. Dam. Patr. 8/2, fol. 47b-48a, this cycle does not appear in any of the newly discovered legislative sources except only in Ms. Mardin Orth. 323. It is surprising that these texts are absent in Ms. Mardin Orth. 309, Ms. 327 and Ms. 337.

[LXXVII]

OF THE SAME, FROM THE LETTER[1] TO QŌZMĀ, POLYEUCTOS, AND ZENŌB[2], THE PRESBYTERS

This is in the third book which is from Theophilos.

Then[3], even in these (cases) which are worthy[4] and acknowledged neither the order of the human laws[5] justifies this nor also the regulations of the Holy Spirit, (namely) judging (on the basis) of one party[6]. On this account we did not consent to agree to these (things) that were written by your chastity. This is not because we do not believe you but we keep the manner[7] that befits those who have been entrusted (with the duty) that we shall judge matters such as (these).

Therefore, it would have been right and it would have been a (logical) sequence that you, i.e. the love of God which is in you would have come as far as here. For then we would have called the other party[8] and the truth would have been tried. Or, if it would not arrive when called, these (provisions) determined for this (case) are known and would also have followed upon the act[9].

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[1] This is a letter preserved in the sixth book of the select letters arranged by Athanasios of Niṣībīn, preserved in Ms. Br. Mus. Add. 12, 181, fol. 19b and Ms. Br. Mus. Add. 14, 600, fol. 21ab. Cf. *Select Letters of Severus* I, p. 57f.

[2] The name is Zenon in both of the codices just mentioned. Ms. Par. Syr. 62, fol. 253b, which contains only the beginning of the letter, reads Zenōbiōs.

[3] The text is so different in its renderings that it must be regarded as an independent translation. It is instructive to introduce here the known recension of the letter: ܗ̇ܝ ܕܝܢ ܚܕ ܓܒܐ ܢܕܘܢ ܘܠܗܠܝܢ ܕܡܬܬܘ̈ܕܝܢ ܘܛ̈ܒܝܢ. ܘܠܐ ܢܩܝܦܘܬܐ ܕܢܡܘ̈ܣܐ ܐܢ̈ܫܝܐ ܡܙܕܩܐ. ܘܠܐ ܬܚܘ̈ܡܐ ܕܪܘܚܐ ܩܕܝܫܐ. ܒܕܓܘܢ ܐܦ ܠܐ ܠܐܝܠܝܢ ܕܐܬܟܬ̈ܒܝܢ ܡܢ ܢܟܦܘܬܐ ܕܝܠܟܘܢ ܐܬܪܟܢܢ ܠܡܫܠܡ. ܠܘ ܒܕ ܠܐ ܡܗܝܡܢܝܢ ܠܟܘܢ ܗܘܝܢ. ܒܕ ܕܝܢ ܐܣܟܡܐ ܗܘ̇ ܕܦܐܐ ܠܗܢܘܢ ܕܠܡܕܢ ܐܝܠܝܢ ܕܕܐܝܟ ܗܠܝܢ ܐܬܗܝܡܢܘ ܢܛܪܝܢ. ܕܙܕܩܐ ܕܝܢ ܐܬܝܗ̇ ܗܘܬ ܘܕܢܦܩܐ. ܕܬܬܡܛܐ ܕܚܠܬ ܐܠܗܐ ܕܠܟܘܢ ܥܕܡܐ ܠܗܪܟܐ. ܘܗܟܢܐ ܩܪܝܢ ܗܘܝܢ ܠܘܬܢ ܐܦ ܠܗ̇ܘ ܓܒܐ ܐܚܪܢܐ: ܘܡܬܒܚܢܐ ܗܘܬ ܗ̇ܝ ܕܫܪܪܐ. ܐܘ ܐܢ ܗܘ̣ ܕܩܪܝܐ ܗܘܐ ܘܠܐ ܐܬܐ ܒܕ ܐܬܩܪܝ: ܡܕ̈ܒܬܐ ܬܘܒ ܗܘ̈ܝܢ ܗܘ̈ܝ ܘܠܒܕܪܐ ܢܩܦܢ ܗܘ̈ܝ ܐܝܠܝܢ ܕܣܝ̈ܡܢ ܒܢܡܘ̈ܣܐ ܥܠ ܗܢܘܢ ܕܦܫܥܝܢ. *ibid.*, p. 57f.

[4] Lit. good.

[5] νόμοι.

[6] Lit. side.

[7] σχῆμα.

[8] Lit. part.

[9] The same text appears also in Ms. Mardin Orth. 323, fol. 107a-107b.

[LXXVIII]

AGAIN FROM THE SAME OF THE LETTER TO DIOSCORUS[1], THE BISHOP[2]

However[3], neither can I venture to consent to these (statements) that (come) from your reverence[4], nor is it in connection with (procedure) that I should pass a judgment upon these (matters), written by the * p. 162 other party[5] as (something) solid[6]—*even if it were an angel who says these (things): for how can I ratify words without witnesses and without examination while we are far away[7] (from one another)[8]?

[LXXIX]

OF THE BLESSED MĀR JA'QŌB[1], THE DOCTOR FROM THE THIRD *MĒMRĀ* ON SODOM[2]

Now[3] let us learn what the Wise one was saying:
"I shall come down and see, that I see everything, and know everything"[4],
He observed the order[5] as a judge towards the guilty ones,
That through interrogations[6] he investigates the judgment and thereupon settles (the lawsuit),

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[1] Namely Dioscorus of Alexandria.

[2] This text has been preserved in Ms. Par. Syr. 62, fol. 245a; cf. *A Collection of Letters of Severus*, PO XII, p. 325.

[3] The text displays variant readings.

[4] Lit. your fear of God.

[5] Lit. side.

[6] Or. legal, valid.

[7] Here the vocabel has suffered and needs correction; the same appears also in Ms. Par. Syr. 62.

[8] Another text appears in Ms. Mardin Orth. 323, fol. 107b.

[1] Namely Ja'qōb of Serūg (d. 521).

[2] About the manuscripts of this cycle of the *mēmrē*, see VÖÖBUS, *Handschriftliche Überlieferung der Mēmrē-Dichtung*, vol. I, p. 60, 141 ff.; 154 f.; vol. II, II, 4 (15)-(18); VII, 2, 212-215; VII, 8, 215-218.

[3] About the following section, see *Homiliae selectae* V, p. 108^{5}-109^{4}. The text presented here has preserved a superior tradition than the manuscript used by Bedjan.

[4] Cf. Gen. XVIII, 21.

[5] τάξις.

[6] Lit. questions.

As a judge learns the truth about the murderer.
Again, he is exact and interrogates him before many;
Justice demands truth from the deceitful ones,
So that in the uncovering, the jealousy of the purity shall be demonstrated.
Hear, therefore, this shows the one who sees all,
That it is very beautiful that a man should seek[7] after the truth[8].
Behold from here take an example[9], o judges,
And in diligence seek the truth and be fortified[10] through it.
Behold the greatest of the judges has taught to you through His wisdom,
That you shall demonstrate judgment inquisitively through open truth.
On that account He has said: "I shall descend to see"[11]; learn this,
That there shall be a search into the affairs and they shall not be wronged[12].
"I shall descend to see"[13]—like a man shall say that you have seen.
When you judge, do not hasten to condemn,
Truth[14] shall be as a mirror[15] for your deeds[16],
And in it you shall consider[17] so that there shall be no blemish in your administrations[18].[19]
If instructed[20] he is not guilty that he does not investigate,
How much more shall you search out the truth[21] as ignorants[22].
He[23] was saying: "I shall descend to see[24] the iniquity of the daughter of Gomorrha,
* Whether it is so, and if not, I shall know as I was knowing". * p. 163
Before the judge makes a judgment in his wisdom,

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[7] Or: to follow closely.

[8] Or: justice.

[9] Lit. demonstration.

[10] Or: equipped.

[11] Gen. XVIII, 21.

[12] Or: despised.

[13] Gen. XVIII, 21.

[14] Or: justice.

[15] Or: example.

[16] Here the codex presents a correct text over against a corrupted text edited by Bedjan, *Homiliae selectae* V, p. 109^{1}.

[17] Or: have discretion.

[18] Or: manners of life.

[19] Here the codex presents a correct text over against the manuscript used for the edition, *Homiliae selectae* V, p. 109.

[20] Lit. learned.

[21] Or: justice.

[22] Here this excerpt ends.

[23] The resumed portion of the *mēmrā* is the same which appears in *Homiliae selectae* V, p. 109^{21}-110^{10}.

[24] Gen. XVIII, 21.

The truth[25] shall rise and that in accommodation with the discipline[26].
As in like manner he who judges shall see the truth,
That through investigations he shall clear[27] himself from the blame.
Behold, the Creator has set an example[28] before the judges;
He who is upright in it is adorned when looking into it.
Manifest[29] as the sun is his great compassion towards the guilty ones,
That the evil does not proceed by chance[30] without questioning[31].
"A bellow of Sodom and Gomorrha has ascended before me,
And I have come down now in order that inquisitively I shall see the judgment"[32].[33]

[LXXX]

AGAIN FROM THE APOSTOLIC COMMANDMENTS TO THE BISHOPS

They are set in the second *mēmrā*[1] and they say in it the (following) words in this way.

(1) Be[2], however, kind, gracious, compassionate, not deceitful, not hard, not imprudent, not fierce, not arrogant[3], not brutal, not haughty, not a pleaser of men, not timid, not double minded.

(2) Not one who mocks[4] people who are under you.

(3) Not one who hides the laws[5] of God from them and the words which are about repentance.

(4) Not one who is ready to thrust out and expel, but (who is) circumspect, not stern[6], not headstrong[7].

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[25] Or: justice.
[26] Or: chastisement.
[27] Lit. strain.
[28] Or: mirror.
[29] Or: evident.
[30] Or: rashly.
[31] Lit. questions.
[32] Gen. XVIII, 20f.
[33] Another text appears in Ms. Mardin Orth. 323, fol. 107b-108a.

[1] What is meant here is the second book of the Apostolic Constitutions, *Constitutiones apostolorum* II, p. 31ff.
[2] The following section rests on *Constitutiones apostolorum* II, XXI, p. 77f.
[3] Or: proud.
[4] Or: deludes.
[5] νόμιμα.
[6] The Greek original reads here μὴ φιλεπιτιμητής.
[7] Or: a boaster.

* (5) For[8] it is not right that you are ready to thrust out one who * p. 164 sins, and are slow[9] to receive him who returns, and easily cutting (him) off, but not pitiful to heal the one who has become ill[10]. For about such as these says the divine book: "Their feet run to the evil and they are quick to shed blood"[11]; "Misery[12] and wretchedness are in their ways and they have not known the way of peace"[13]; "The fear of God is not before their eyes"[14].[15]

(6) However[16], know you that he who thrusts out one who has not committed wrong, or who does not receive him who returns, kills his brother and sheds blood as Cain (did that) of his brother Abel, "And his blood cries out to God[17], and is required. For a just man if killed unjustly by any one is at rest with God forever.

(7) In like manner (is the case) of him who empty-handed[18] is cut off by the bishop. Therefore he who expels one who is blameless is a destroyer[19], who is more cruel[20] than a murderer because he has no regard for the mercies of God nor is mindful of His goodness towards those who repent nor does he see[21] the example of those who as such upon the multitude of their sins have received forgiveness through repentance. On this account he who throws out a blameless person in this way is more savage[22] than the killer <of the body>.

(8) Again, he who does not receive one who repents, scatters those of Christ[23] and he is (really) against Him[24].[25]

(9) (Learn)[26] from Bar Sirach: "Murderers cause much devastation but not as (much as) the murderer by tongue"[27]. And from the Book of

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[8] Here begins a new section which corresponds with *Constitutiones apostolorum* II, XXI, 4, p. 79.

[9] Lit. slothful.

[10] Cf. the original Greek τὸν ἀλγοῦντα.

[11] Prov. I, 16; Isa LIX, 7.

[12] Or: vexation.

[13] Isa LIX, 7-8.

[14] Ps. XXXVI, 1.

[15] Here ends this section.

[16] Here begins a new section which corresponds with *Constitutiones apostolorum* II, XXI, 7-9a, p. 79, 81.

[17] Gen. IV, 10.

[18] Cf. the original Greek ματαίως.

[19] Or: defiler.

[20] Lit. bitter.

[21] Lit. taking.

[22] The original Greek has here ἰταμώτερος.

[23] Cf. Matth. XII, 30.

[24] Cf. Matth. XII, 30.

[25] Here ends this section.

[26] The beginning of a new section which is not taken from the Apostolic Constitutions, also not from the Syriac Didascalia. This section continues to the end.

[27] Jesus Sir. XXVIII, 18.

Proverbs: "A wicked man through his mouth corrupts[28] his neighbor"[29]. And again: "Be not a false witness against your neighbor"[30]. And again: "Do not calumninate with your lips"[31].

(10) According to the divine law[33] (the rule is:) "If there rises a witness of iniquity[34] against a man, and testifies against him iniquity, there shall be both who have a lawsuit before the Lord, before the priest, the judges who will be (in office) * in those days; and the judges shall investigate the judgment properly[35], and shall see whether it is a testimony of falsehood which he seeks to testify against his brother —(then) do to him that something[36] which he had meant to do to his brother, and uproot the evil from your midst"[37]. From the Gospel[38] (we hear): "For with what judgment you judge, you shall be judged, and by what measure you measure will you be measured"[39].[40]

* p. 165

[LXXXI]

THE COMMANDMENTS OF THE HOLY APOSTLES TO BISHOPS

(1) If[1] there is one of the brethren who has no offence and is without blame, and who, because of the respect of men or[2] because of gifts, is condemned by a judge of iniquity—your judgment will not inflict loss to him in any way before God.

(2) The judgment by judges of iniquity which condemns will rather advance him the more.

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[28] Lit. twists.

[29] Prov. XI, 9.

[30] Prov. XXIV, 28.

[31] Prov. XXIV, 28.

[32] νόμος.

[33] νόμος.

[34] The rendering is against the Pešīṭtā which reads here ܕܓܠܐ. In this text there are several deviations from the pattern of the Pešīṭtā.

[35] Lit. well.

[36] This ܡܕܡ does not appear in the Pešīṭtā.

[37] Deut. XIX, 16-19.

[38] εὐαγγέλιον.

[39] Matth. VII, 2.

[40] Another source for this text emerges in Ms. Mardin Orth. 323, fol. 108a-109b.

[1] This section was taken from the Syriac Didascalia chapter XI; cf. *Didascalia apostolorum*, ed. LAGARDE; cf. *Didascalia apostolorum*, ed. VÖÖBUS.

[2] What follows represents an expanded form of the text; however, it does not follow the line of thought expressed in Ms. Par. Syr. 62.

(3) You[3] who have thrust him out from the church that is on earth, cause him to dwell in the church that is in heaven which is blameless, staying with God.

(4) And you shall be thrust out from the church which is in heaven.

(5) For[4], because he, by men with judgments in a short time, has been judged iniquitiously by wicked men, and has been condemned, afterwards, however, in the day of judgment on account of such by whom in iniquity he was condemned, you, therefore, will receive (retribution) from God so that you will be separated and thrust out from the catholic[5] church of God, and you (indeed) will complete His word: "In that judgment which you judge, you are being judged by it"[6].[7]

(6) On[8] the other hand, if you hear only[9] one party[10] and accept a slanderer against your brother, not placing his companion with him[11], and that you do not put two parties[12] together in judgment, and * (further) that he is not defending himself regarding that of which * p. 166 he was accused by him, and you hastily condemned him by the sentence of finding (him) guilty, still hearing falsehood from his mouth which you have heard—because you believed the falsehood which you heard while he[13] was not present and not making any defense on his own behalf and he is condemned—you have become partakers of the falsehood of him who accused falsely[14].

(7) You shall be guilty before God together with him who witnessed falsehood.

(8) On the account that you have accepted his witness you shall die by God[15].[16]

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[3] What follows is entirely new which does not appear in any of the recensions of the Syriac Didascalia.

[4] The following text is a different recension of the Syriac Didascalia which goes its own way.

[5] καθολική.

[6] Matth. VII, 2.

[7] The end of this section.

[8] The beginning of another section taken from the Syriac Didascalia XI but following the tradition of Ms. Par. Syr. 62; cf. *Didascalia apostolorum*, ed. LAGARDE, p. 52. cf. *Didascalia apostolorum*, ed. VÖÖBUS.

[9] What follows represents a different recension.

[10] Lit. side. The Syriac Didascalia reads here ܦܪܨܘܦܐ, πρόσωπον.

[11] I.e. before the court.

[12] Lit. side.

[13] I.e. his adversary.

[14] Lit. oppressed.

[15] Another source for this text appears in Ms. Mardin Orth. 323, fol. 109b-110a.

[LXXXII]

OF THE HOLY JOHANNES, THE BISHOP OF CONSTANTINOPLE FROM THE LETTER[1] TO INNOCENT[2], PATRIARCH OF ROME

For these (things) of the present which were done by them are beyond every order[3] and (all) ecclesiastical canons and are such[4] that even in the secular[5] courthouse such as these would never be presumptuously committed, and not even in the courthouse of the barbarians, and neither Scythians nor Sarmatians would ever have judged in this way condemning, (while hearing) one side (only),—(with) the one accused being absent who deprecated[6] not the judgment but the enmity, who called many judges, asserting[7] that he is not guilty and is prepared in the presence of the whole world to put off the accusation and to demonstrate himself that he is without guilt in all them[8].

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[1] Johannes Chrysostomus, *Innocentio episcopo Romae*, ed. Migne PG LII, col. 534f. τὰ γὰρ νῦν γεγενημένα παρ᾽ αὐτῶν πασης ἐκτός ἐστιν ἀκολουθίας, καὶ παντὸς νόμου καὶ κανόνος ἐκκλησιαστικοῦ. Καὶ τί λέγω κανόνος ἐκκλησιαστικοῦ; Οὐδὲ ἐν τοῖς ἔξω μὲν οὖν δικαστηρίοις τοιαῦτα ἐτολμήθη ποτὲ, μᾶλλον δὲ οὐδὲ ἐν βαρβαρικῷ δικαστηρίῳ, οὐδὲ Σκύθαι, οὐδὲ Σαυρομάται οὕτως ἄν ποτε ἐδίκασαν ἐκ μιᾶς μοίρας κρίναντες, ἀπόντος τοῦ αἰτιωμένου, παραιτουμένου οὐ κρίσιν, ἀλλ᾽ ἀπέχθειαν, καλοῦντος δικαστὰς μυρίους, ἀνεύθυνον ἑαυτὸν εἶναι λέγοντος, καὶ τῆς οἰκουμένης παρούσης ἀποδύσασθαι τὰς αἰτίας, καὶ δεῖξαι ἑαυτὸν ἐν ἅπασιν ἀθῷον ὄντα. Cf. *Enchiridion fontium*, p. 728ff. Among the two letters sent to the bishop of Rome, this one must have been written from Constantinople soon after Easter 404 since it refers to the events immediately preceding his expulsion. About this letter, see also Amelli, "S. Giovanni Crisostomo anello provvidenziale", p. 47ff.

[2] The Syriac version of this letter to Innocent of Rome was known, cf. ʿAbdīšōʿ, *Catalogus librorum* XVI, ed. Assemani, p. 27; cf. *Catalogus librorum* XV, ed. Vööbus. Here the tradition has erroneously replaced the correct name of the bishop of Rome by "Justinianus". — It is gratifying to find here that a portion of the lost version of this letter has been salvaged by our document.

[3] Or: sequence.

[4] A free rendering of the Greek original: καὶ τὶ λέγω κανόνος ἐκκλησιαστικοῦ; *ibid.*, col. 534f.

[5] Or: profane, pagan; lit. outer.

[6] A free rendering of παραιτουμένου οὐ κρίσιν, ἀλλ᾽ ἀπέχθρειαν, καλοῦντος δικαστὰς μυρίους, *ibid.*, col. 535.

[7] Lit. founded, steady, stable.

[8] Another source for this text appears in Ms. Mardin Orth. 323, fol. 110a.

[LXXXIII]

OF THE HOLY SEVERUS, FROM THE NINETY-EIGHTH[1] HOMILY[2] OF THE ENTHRONIZATION[3]

For respect of persons, in judgment, suffices that it implants war in the souls who see it, and it shall strike through offence and lead into pitfall[4].

* From Isaiah (we learn): "Woe to those who call evil good and good evil, and who put light for darkness and darkness for light, and who put bitter for sweet and sweet for bitter"[5]. * p. 167

And again: "Woe to them who act perversely to conceal (their) mind from the Lord, and their works are in darkness and they say, Who sees us? or Who knows what we turn upside down?"[6]. From the Proverbs of Solomon—"He who oppresses a poor man angers his Master"[7].[8] And again: "He who condemns the righteous and justifies the condemned one is defiled before the Lord"[9].[10]

[LXXXIV]

A DISCOURSE CONCERNING ECCLESIASTICAL LEADERSHIP

Again a discourse[1] concerning ecclesiastical leadership and concerning the peace.

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[1] This text does not appear in the homily under this number in the corpus, preserved in Ms. Brit. Mus. Add. 12, 159, fol. 215bff.; cf. *Les homilae cathedrales de Sévère*, PO, XXV, p. 139ff.

[2] *mēmrā.*

[3] ἐπιθρόνιος.

[4] Or: trench.

[5] Isa v, 20.

[6] Isa xxix, 15.

[7] The text has suffered here. It looks that the word is ܠܡܪܗ which is againt the Pešīṭtā ܠܡܢ ܕܥܒܕܗ which agrees with the Masoretic text.

[8] Prov. xiv, 31.

[9] Prov. xvii, 15.

[10] This text appears also in Ms. Mardin Orth. 323, fol. 110a-110b.

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[1] In the upper margin there is the following statement added by a hand which is similar but must be different: "From the discourse of Mār Mīka'ēl Rabā".

Those, indeed, who seek for peace and make it are truly children of God and the beatitude is given to them dominically as the unerring word of the Lord says: "Blessed are those who make peace because they will be called the sons of God"[2]. And they also become (those who are) in Christ—who is the power and wisdom of God the Father and who through the blood of His (own) person has reconciled us with His glorious Father and has broken down the fence of enmity which stood between, and united the earthly beings with the heavenly as the great (one) among the apostles, (namely) Paul[3] says. Again, however, they fulfil the commandments of the divine apostle who has ordered: "Hasten after the peace and after the holiness without which no one can see God"[4].

And so you also, o excellent one among the leaders[5] and renowned for virtues, you have agreed that there should be peace in the holy church of God and you are doing as well as acting (in such a way) * p. 168 that the intelligent sheep * and members of Christ are not to be torn apart by the action of the one who is against the truth (but) should remain united—you who are counted among the beloved children of God, you who adhere to the apostolic and life-giving commandment, and receive the beatitude here and there, you who are a good cause also to others, honoring your contemporaries, you who are known (for the fact) that you love God and you (who) will certainly erect your laudable image[6] also for those who are yet to come in the future.

Thus the loveliness of your intelligence asked (me thusly)—if it should happen that two metropolitans are appointed for one eparchy[7], which of them ought to serve and which to stay away from the service?

First of all, indeed, we say that it is not right that there should be two metropolitans in one eparchy. You have confirmation of this in the twelfth canon of the synod which had assembled in Chalcedon, whose canon says thus: "It has come to our hearing that men hurry from the ecclesiastical law to the civil[8] rulers and through the decree of the king which is called an imperial decree[9] (is obtained that) for

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Another hand, quite careless, has added here: "That two fathers should not have one (and the same) seat". However, this work cannot be from the famous Mīka'ēl, see VÖÖBUS, "Discovery of a Treatise Ascribed to Michael the Great".

[2] Matth. V, 9.

[3] Ephes. II, 14f.

[4] Hebr. XII, 14.

[5] Lit. rulers.

[6] Or: monument.

[7] ἐπαρχία.

[8] Lit. outer, foreign.

[9] ܦܪܓܡܛܝܩܘܣ ܛܘܦܘܣ, πραγματικός τύπος.

one eparchy there should be two, so that from then on two metropolitans should exist in one eparchy. Therefore this synod has determined that from now on, no one of the bishops should dare to do anything like this. But he who disdains and transgresses this ordinance shall fall out from his rank. The towns, however, which formerly had been honored through imperial letters shall have the honor of metropolis only in name, and the bishops who lead the churches in them, keeping that which is right (only) for the town which in truth is the metropolis"[10].

Thus, the canon teaches three (things). First that it is not lawful for any one of the bishops to establish a metropolis. Second, that it is not right that there should be two metropolitans in one eparchy. But third, that for a town which is (in name only) the metropolis, its rights, laws and eparchies[11] will not be kept for it. * So then in like manner is it right that they should be kept (only) for every town which (truly) is a metropolis.

* p. 169

In the following (I come) to that which your honor[12] requested: which one of two metropolitans has the right to serve and which one should leave the service, we answer in this way. When there is no heresy nor schism in the faith, but there is only disagreement in opinion or about the management of the office[13] and the (question of) eparchies, or the love for rulership and (conditions) which are similar to those, and there arises quarrel and division in the church where the two metropolitans have been appointed in one eparchy—we say that the one who was appointed first has the right to serve; the one, however, who was appointed (later) should leave the service. You have proof and confirmation for these from the instructions[14] of the holy fathers who were in the church about matters like these.

For Socrates narrates in his Ecclesiastical History[15] regarding Damasus the patriarch of Rome in this way, that after the death of Liberius, Damasus received the ordination[16] for the episcopacy of Rome. And in his days the church of Rome was troubled for the following reason: when it was time for the election of a bishop, Ursinus, a deacon of the church of Rome, contrived also to become the bishop. However, because Damasus was more honored than he, Ursinus could not bear it that he lost his hope. So he went and connived to arrange a gathering against the church and he convinced some of the bishops who did not understand (the situation) that they should secretly lay hands upon him. And he received his laying on of hands not openly but secretly at a hidden place[17], a palace[18] called Sicine[19].

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[10] See vol. I, page 134.

[11] ἐπαρχία.

[12] Lit. chastity.

[13] Or: districts.

[14] The text has suffered here.

[15] SOCRATES, *Historia eccl.* IV, 29, col. 541.

[16] χειροτονία.

When this happened, there arose a division among the people and they fought against each other and sowed sedition[20], not because * p. 170 of faith or some heresies, but only for this reason: who should take over the seat of the bishop. And therefore many of the people were wounded (and) also because of sore vexation (so that) many died. Others, however, laity and clergy, because of the disorder or savagery of that time were regarded worthy of punishment[21]. So—Ursinus was stopped from his violence, and also those who were deceived to follow him were quieted down[22]. The same famous and true author says that when two patriarchs were appointed over Rome, the last one was stopped from the service so that the upheaval[23] and division of the people would stop and peace (rule)[24] among them.

So did it happen also at the time of Theodosius the Great. For there was in Constantinople a man called Gregorius the Theologian. After he had directed the bishopric (to) the completion of ten years, the members of his diocese were rent asunder over him. And at this time the king ordered that there should assemble the synod of One Hundred and Fifty[25] regarding Macedonius the heretic. When they came to the capitol city, Timotheus the patriarch of Alexandria and the bishops who were with him assembled. And those who were separated against Gregorius came to him and asked him to appoint a bishop for them, a man whose name was Maximus. However, when the synod of the holy fathers assembled, they cancelled the laying on of hands of Maximus and hindered him from the service of leadership of the priesthood. About these matters the third canon set up by the synod of One Hundred and Fifty (fathers) testifies and confirms saying thus: "Regarding Maximus the Cynic and the disorder which took place in Constantinople we order, all of us, that Maximus neither was nor is a bishop, nor those * who received from him ordination * p. 171 in whatever rank of clergy, because all, whatever it is from him and for him, is not valid. However, we have received two tomes[26] of the Westerners and of the Antiochians, those which confess one godhead of the Father and of the Son and of the Holy Spirit"[27]. Now also in regard to Constantinople which is the capitol and the seat of the patriarch and the two bishops who were appointed over it, the holy Synod of One Hundred and Fifty adjudged that the one who was the last was to be driven away and hindered from the service of the high priesthood.

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[17] Ordination outside the church was canonically illegal.

[18] βασιλική.

[19] The text reads erroneously ܐܘܣܝܢܐ; Socrates reads here Σιζίνη.

[20] στάσις.

[21] The original Greek reads here: by Maximin, the prefect of the city.

[22] Cf. the Syriac version of the work of Socrates preserved in Ms. Vat. Syr. 145 II.

[23] Lit. gathering.

[24] The text is not decipherable.

[25] I.e. the Synod of Constantinople.

Again also Jōḥannān of Asia in his Ecclesiastical History[28] narrates something like this which happened in Alexandria. He says: when the holy Timotheus fell asleep there arose (after him)[29] as patriarch of Alexandria a man with the name Theodosius. <And after>[30] he was appointed, a certain archdeacon[31] of that city <whose name>[32] was Gaina by men of Alexandria was appointed <to become>[33] patriarch against Theodosius. For this reason there arose division among the believers and many blows and many killings were performed against (them). However, when the King Justin (sic) heard about these (things), he was much displeased and he sent forces of soldiers there and made Theodosius occupy the throne. But Gaina he sent into exile and there he died.

Thus it has been demonstrated lucidly by what has been said that when it so happens that two patriarchs have been appointed or two metropolitans over one eparchy, then by reason of quarrel and schism that might happen, it is proper for the one last (appointed) to leave the service of the high priesthood for the sake of the peace of the holy

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[26] ܛܘܡܘܣܐ, τόμος.

[27] See vol. I, page 126.

[28] Cf. *Historia ecclesiastica* IV, 14, p. 201.

[29] The text is soiled here.

[30] The text has suffered.

[31] ἀρχιδιάκονος.

[32] The text has suffered here.

[33] The text has suffered here.

church and the unity of the believers. These, indeed, (are the things
* p. 172 I have written) * about the question which your kindness[34], which is
bound up with the love of God, asked.

But about the leadership we say that it is, indeed, Satan who from beginning was a murderer of men as it is written, and who brings (it about) through quarrelsome and seditious people that there will be strife and division in the church or on account of a kind, also change, of faith, or on account of the fixity of bitter will, or on account of self-love and (love for) leadership, or on account of the management of districts or on account of other things which are similar to these. Henceforward the shepherds and the chiefs of the priests are divided against each other and the intelligent sheep of Christ with them become divided, and rise against each other, and harm each other, be it with words or be it with deeds and they tear up the coat of Christ which the devil could not tear by the crucifiers[35].

When, indeed, all these things happen, the wise fathers and leaders in the church have devised it (thusly): to leave behind the canon and the strictness[36] which is in...[37] of the priesthood and to seek refuge in the leadership because leadership makes peace and unites those who are divided and strengthens the sick ...[38] and it is much better than the accuracy which causes tumults and divisions.

And about this the holy Philoxenus of Mabbūg witnesses in the letter about ecclesiastical affairs[39] when he says thus: "Strictness[40] is that which troubles the church and disturbs the faith and must be considered as cruelty and as a matter that angers God. Leadership, however, strengthens and pacifies the church. It is a good deed, that through which God is high priest. And therefore those who understand (how) to lead ecclesiastical affairs wisely always employ the (proper) leadership.

* p. 173 * Also the holy Mār Iwannīs[41] as he says above in the *mēmrā* on the Colossians by Paul the following: "God has revealed himself in various ways to men in different times. Namely, he revealed himself to Abraham as a man passing on the road. To Moses, however, in

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[34] Lit. your love towards men.

[35] John XIX, 23f.

[36] Lit. accuracy.

[37] The text is damaged here.

[38] The text has suffered here.

[39] A letter under this title is not known.

[40] Lit. accuracy.

[41] JOHANNES CHRYSOSTOMUS, *In epistulam ad Coloss, commentarius*, 299ff. The following text does not appear in this commentary.

the form of fire which had taken hold in the bush. And to others, however, (He revealed himself) in a soft and pleasant breeze. And again to others in the likeness of an old man. And sometimes, indeed, He revealed Himself as sitting on the cherubim, and sometimes again as sitting on a throne. And to others He revealed Himself otherwise. Thus in these various revelations He revealed Himself to men. It is not that (He wanted to show that) His nature is such—let it not be!—for He is much higher and superior than these appearances[42]. But (this was) for the reason of help to, and teaching for men, as the occasion[43] for which He revealed Himself[44] required. Thus He lowered Himself in these revelations and He says through the holy prophets: "I have increased my visions and I have revealed myself through the prophets"[45].

So also the great one among the apostles and the preacher of the nations, Paul used to speak and act providently and manifoldly for the advantage and salvation of his hearers. For he says: "That I might bring life to everybody—with Jews I became like a Jew to benefit the Jews; and to those who have no law, I became without law whereas I am (before God)[46] not without law but through the law of Christ might benefit those who have (no law); with the sick I became sick that I might benefit the sick; ...[47] I became so that I might benefit everyone"[48]. Thus the (things which) the divine apostle used to say and to act. This was not because he was changed in his mind and not that he became a different man from an (already) different man even if he appeared to be (acting) against himself. But by this manifold manner of proceeding he gained many bringing them to God.

* And again: while he was despising circumcision, he put to shame * p. 174 the Galatians who were circumcising after (having received) the proclamation (of the Gospel), as he was writing to them: "If you circumcise, Christ benefits you nothing"[49]. (However,) he observed the circumcision in (the case of) his disciple Timothy because of the salvation and profit of those who heard and saw. For it is written in the Book of Acts[50] that "Paul took Timothy and circumcised

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[42] Or: forms.

[43] Lit. matter, affair.

[44] *Commentarius*, col. 101.

[45] Hosea XII, 10.

[46] The text is soiled.

[47] The text is soiled.

[48] I Cor. IX, 20-22.

[49] Gal. V, 2.

[50] Acts XVI, 3.

him on account of the Jews who were there in that country: they knew that his father was a pagan"[51].

Now exactly that same manner of action[52] also the holy fathers and careful shepherds employed for the sake of the peace of the holy church and the benefit of believers and for healing of those who earlier had become sick. And therefore they also received the heretical bishops for the sake of uniting the schismatics and for the benefit of those who had been captivated by them.

And, indeed, the holy Severus says about Antioch[53], the city of Syria, when the believers in it were divided into two parties, one of which fell sick through the impiety of the Arians. And there stood over one of them a man whose name was Meletius[54] who had been appointed by the Arians. Now the orthodox bishops accepted this Meletius and they adjudged him to be the patriarch over all Antioch, so that they would benefit those who were kept by him, and so that thereby they would be brought home and united with the members of Christ and (thus) become one holy church. And this Meletius became the head of the synod of One Hundred and Fifty which assembled in Constantinople in the days of the King Theodosius.

And again also in the time of Constantius, the son of Constantinus the Great. There happened a schism in the country of Nazianz of Cappadocia when two bishops were appointed there (at the same time * p. 175 as) the bishop Gregorius, the father * of the holy Gregorius the Theologian. And after this schism, (lasting) two full years, when the believers there had tormented each other (enough), also one another afflicting each other with various kinds of evils, then our fathers of that time took action and accepted those two bishops who had been appointed and thereby established peace in the holy church that had been divided.

On this account the holy Gregorius the Theologian says in his conciliatory *mēmrā*[55] in this way: "In joy have we received the heads

[51] Lit. an Aramaean, a reading as it appears in the Pešīṭtā.

[52] Or: leadership.

[53] Cf. SEVERUS, *The Sixth Book of the Select Letters*, ed. BROOKS II, p. 114, 156; *A Collection of Letters*, ed. BROOKS, p. 100ff.

[54] The Ms. reads ܡܠܝܛܘܣ.

[55] What the author means with the conciliatory *mēmrā* is *Oratio* VI, *Prima de pace*, PG XXXV, col. 736. The Syriac text of this homily in an ancient version appears in Ms. Br. Mus. Add. 14, 547, fol. 59b-68a, in Ms. Br. Mus. Add. 14, 548, fol. 49a-56b, and in Ms. Br. Mus. Add. 12, 153, fol. 40b-48a.

which were offered for beheading, namely to be cut off (allegedly) for the sake of religion and for the aid to the orthodox affair which was in trouble. (Moreover,) we have not rejected them as enemies but we have embraced them as brothers who had stirred up (their minds) a little because of the paternal heritage—brotherly not maliciously. On the one hand, we have not praised them because of (their) hostility, yet, on the other hand, for the sake of (their) zeal we have received them. For separation because of goodliness of religion is better than a perverted concord. Therefore, we made our increase (in friendly approach) as we overcame (their suspicious) imagination against us through love"[56].

After this time, in the days of Theodosius the Little, there assembled the holy synod, namely that one in Ephesus about the blasphemy of Nestorius. However Johannes, the patriarch of Antioch and the bishops with him, numbering thirty-six, did not only refuse together with the holy synod to anathematize Nestorius but they even put the ecumenical synod under suspension ...[57] and the deposition of the holy Cyril with his synod. They did (this) and acted insolently, for which reasons the synod opposed them ...[58] and the entire synod and called John and the bishops <with him>[59] * to be judged canonically and legally[60]. * p. 176

But as they did not obey and did not come as the canons commanded, then Cyril acted with the ecumenical synod and they issued the righteous sentence on them while first making known the names of each colleague one after the other. Then the full interdict[61] was determined against them. When the holy Synod of Ephesus was dissolved then also Bishop Johannes and those who were with him returned to their towns as suspended ones. Everybody held that they agreed with those of Nestorius. Because not only did they not anathematize Nestorius. However, Johannes, the patriarch of Antioch and the bishops which had been set up by the holy Cyril, which proclaimed the true and apostolic faith, should be put under anathemas.

And again when they went to their towns they presumed and dared to undertake tougher things than these in that they served the priesthood forbidden (them). And they gave the laying on of hands and baptism, and they prayed in leading the people, and they offered the mysteries. But then there came a command from the King Theodosius that they also should yield—i.e., Johannes and his companions—to the ecumenical synod and anathematize Nestorius and confess the Virgin as the God-bearer[62]. Also the holy Cyril wrote (a letter) to accept them.

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[56] This difficult text renders the Greek original: καὶ διὰ τοῦτο προσθήκην ἑαυτῶν τὴν ὑφαίρεσιν πεποιήμεθα, κλέψαντες ἀγάπῃ τὴν καθ' ἡμῶν ἐπίνοιαν, *ibid.*, col. 736B.

[57] The text has suffered here.

[58] The text is not decipherable here.

[59] The text is not decipherable.

[60] Lit. accurately.

[61] I.e. the anathematisms.

Then Johannes and his companions gathered with Acacius the bishop of Ḥaleb and they sent the bishop Paulā of Ḥomṣ to Cyril and he sent with him writings anathematizing in them those who had wickedly spoken against the faith by Nestorius.

And the holy Cyril lowered himself and received them since it was known that there was no other means by which the affairs[63] of peace could be administered. And he accepted from them the writings, and he also initiated intercourse with them. And he also granted them fellowship with him. And he did not ask them to confess in writing or not in writing (even) one of the follies which were from them—not that they anathematized the entire synod, also not that they
* p. 177 * before had agreed[64] with Nestorius or that they anathematized the twelve chapters[65], those which were from him, or that they had dared to serve while suspended—(even) this concerning which the canon itself forbids them to accept.

These (things) are being said by us with the intent of showing by what wise devices of (self) humiliation the fathers have kept at all times· the true faith and the peace of the church.

Again also Jōḥannan of Asia in his Ecclesiastical History[66] narrates the following: in the time of the Emperor Justinian there was division in Egypt and Syria for the (same) reason, namely: after the death of Theodosius the patriarch of Alexandria the church remained for full ten years without a patriarch for the reason (of division). There was then in the church of Alexandria a man who was the head of the presbyters and there were (also) two deacons who were the sons of his sister. Each one of them schemed to become patriarch. But as this did not happen, another one was appointed who was called Theodoros from Petra.

[62] θεοτόκος.

[63] Or: interest.

[64] Here the text has suffered but this seems to be the reading.

[65] I.e. the 12 anathematisms.

[66] *Historia ecclesiastica*, III, XVII-XXI, p. 202 ff.

The patriarch of Antioch and his bishops and those of Egypt were then moved by their love for leadership and they led astray and drew after them many people and instigated some of the bishops and led them by force and appointed another patriarch against Theodoros, (namely) a simple man whose name was Petra. And henceforward there took place quarrels and fightings and divisions and plunderings and many murders throughout the country of Egypt.

Then Jaʿqōb the metropolitan of Syria came to pacify them. And when he came not only did no peace occur, but the division rather increased, because this Jaʿqōb inclined to one of the sides since he was with that side which was against the truth and the patriarch Paul. * And Jaʿqōb departed from there with two Egyptian bishops with * p. 178 him who were inclined towards them and they came to Syria and divided it and caused a schism in all monasteries and churches of Syria and they started also here ...[67] against Paul of Antioch. So there were two patriarchs in <Antioch>[68] and two in Alexandria. And henceforward there was much and every kind of evil among the believers for a long time and it also reached the capitol of the kingdom. And they started there also a schism and stirred up the believers in it. But the King Justinian and the subordinates in his administration were not of the orthodox faith but were made partners to the Synod of Chalcedon, and therefore they were rejoicing at the decline of the orthodox (people). And while this division lasted a long time and many bishops died and also influential persons[69], finally there came to them Mundir bar Ḥārit, the king of the Arabs, a Christian man and lover of God and who was much grieved about the decline of the orthodox (people). And he brought together the two parties and admonished them and rebuked them and blamed them, leaving (room) for a true[70] inquiry[71] and through (wise) steering[72] brought about their peace and established their unity". In this way these separated members were reconciled with one another prudently, however, beyond the strictness (of the canons).

Again also the holy Philoxenos in that letter about church affairs[73] says: "Because of the honor of peace and the benefit of the believers also the altars and temples which had been anointed and consecrated by Eudoxius the Arian were accepted by the orthodox bishops without being anointed and consecrated anew.

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[67] The text cannot be deciphered.

[68] The text has suffered.

[69] Or: chiefs.

[70] Lit. accurate.

[71] Or: disputation.

[72] Or: prudence.

[73] No such letter of Philoxenos with this title is known.

And also the Mār Severos, for the sake of the peace of the church and the unity of the believers, commanded[74] that the bishops or presbyters or deacons, who returned from the heresies of two natures, * p. 179 shall not be instituted anew * and shall not be baptized, but when they had anathematized the heresies from which they returned, and completed the period of penitence, they were to stay in their orders and serve in their ranks[75].

And also Dionysios[76] the patriarch of Antioch, he who has fallen asleep, and this one of our day, accepted many bishops in selection and permitted them to serve ...[77] because of the honor of peace and the unity of the believers. Indeed, < Tūmā >[78] who was made for 'Abīram over Kephartūtā; he accepted and gave him...[79] of Mabbūg. This one, however, accepted Severos. He was made for Šemʿ< ōn >[80] Gubyā over Qūros. And he gave him the land of Segestan. And he accepted Tūmā Kephartutia, and he permitted him to serve in the episcopacy wheresoever he arrived.

Well then, it has been demonstrated through these examples openly and lucidly that divine apostles and skilful shepherds were used in leadership for the peace of the holy church and for the benefit of the believers and the uniting of the separated ones. Henceforwart accordingly in their footsteps also we must walk in and employ the same leadership in order that quarrel and division may be done away in the holy church and that there may rule tranquility and peace and that the believers may be united with each other, and they shall see one another under the inducement of love, and they shall be one body, worthy and unanimous [81], and deserving to be for the head, for Christ.

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[74] Cf. a work κατὰ ἀναχρίστων by Severus, vol. I, p. 162f.

[75] *Ibid.*

[76] This is a reference which opens the way for considerations regarding the age of the document. Ms. Mardin 323 fol. 122a brings a marginal note that 'Abīram was consecreted in 846 A.D. for the bishopric of Kephartūtā. If this datum rests on a reliable tradition then the constellation is such that there is the only way to see in this Dionysios the man who came from the Monastery of Bēt Bātīn in Ḥarrān who was consecreted on Nīsān 23, 1208 A. Gr., i.e. April 23, 897, MĪKA'ĒL, *Chronique* IV, p. 757f. He is the same prelate whom we have already introduced, see page 61ff. According to Mīka'ēl he died April 18, 1220 A.Gr., i.e. April 18, 909 A.D. Bar 'Ebrāyā sets his consecration a year earlier, *Chronicon eccl.* II, col 391, 393.

[77] If the marginal note mentioned in the preceding footnote is able to carry the weight, then the contemporary patriarch would be Jōḥannān who came from the Monastery of Qūrzaḥīl and who was consecrated Nīsān 21, 1221 A.Gr., i.e. April 21,910 A.D. He ruled 10 years and died in the last day of Tešrī ḥrai 1234, i.e. November 5,922 A.D. MĪKA'ĒL, *Chronique* IV, p. 758. Cf. also BAR 'EBRĀYĀ, *Chron. eccl.* II, col. 395.

[78] The text is damaged. [79] The text has suffered. [80] The text is damaged.

And we hope and pray that these will be perfected through the succour [82] of Christ our God through the mediation of your excellence and your piety. For in this you are like excellent men, like Zenon, I say, the orthodox king who made peace and united the church in his time, and as the king of the Himyarites, who united the believers, those who were torn asunder in Egypt * and Syria, as the rest of all those who have loved, toiled and labored because of the peace of the holy and orthodox church. With them and among them we make supplications to Christ, the one who has reconciled the earthly ones with the heavenly ones, and the (elect) people with the nations [83], that He shall give you (your) portion, lot and heritage through the intercession of His mother, the holy Virgin Mary, and through the rogation of those who have appeased Him [84] through their sacrifices and their labors. * p. 180

Amen. The end.

[LXXXV]

THE RESOLUTIONS BY PATRIARCH QYRIAQOS

The explanations by Patriarch Qyriaqos [1] to the questions asked by Īšō῾ of the village of Tarmanaz.

The questions which were presented by you to my worthlessness, o beloved son, among them a discourse on the divine providence, have been explained by me. In those, if God wishes and we live, you are going to meet those of the rest; the extent to which grace instructs us, we shall demonstrate.

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[81] Or: harmonious. [82] Or: benefit. [83] Cf. Ephes. II, 14ff.

[84] Another source for this document appears in Ms. Mardin Orth. 323, fol. 110b-122b.

[1] About this Qyriaqos, see page 185.

(1) The first question about the word of Solomon which says that "The earth will stand forever"[2]. Is he here referring to the word everlasting or to something else? For he says: "A generation goes, a generation comes and the earth is standing forever"[3].

He means this, that while some generations come in by birth but others go out by death, the earth, however, does not go out with generations, but remains with the rest of the elements into eternity, liberated together with the sons of God from corruption as the divine Paul[4] says; David the psalmist also chants: "You renovate the face of the earth"[5].

(2) The second question regarding (the saying): "Do not cook the kid in the milk of its mother"[6].

* p. 181 * He compares the kid to the sinful thought, namely, that when the thought of the sin is in movement in our intellect, it must not be served by us and remain in our mind lest we come to the lapse[7], i.e., a great and cruel sin pierces through and destroys our souls. But we must from the beginning rebuke it and expel it, when it is still weak and not yet fixed in our souls.

Another way (of interpreting), too: he who returns from heresy is not easily accepted by the church but is instructed during seven days lest he returns again and wallows in its mud.

(3) The third question: did the prophets know what they prophesied mystically about the incarnation of the Word or did they say what they heard and saw without knowing what the affair was about? And if they knew, why have their words not been written clearly but spiritually?

The holy prophets knew in truth what they heard and saw by the prophetic ear and eye of the spirit, like the prophet says in a passage to the Lord: "Increase my ear to hear"[8], and not like Balaam[9] and Caiaphas[10] who did not understand the mysteries of the prophesies of their lips. They have been not written clearly because the time of their manifestation was not until Jesus manifested the veracity of the word of the prophets. Through Him the truth of the prophesies has been demonstrated in fact.

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[2] Eccl. I, 4.

[3] Eccl. I, 4.

[4] Rom. VIII, 21 ff.

[5] Ps. CIV, 30.

[6] Ex. XXIII, 19; XXXIV, 26.

[7] Lit. wandering.

[8] Ps. CXII.

[9] Num. XXII, 21 ff.

[10] Num. XXII.

(4) The fourth question concerning (the logion): "Amen, I say to you they received their reward"[11] quoted in the Gospel.

They are the hypocrites who perform their prayers and alms before people only in order that they might be praised by them and not be rewarded by God. These, however, then received from the people their reward they were looking for * and they deprived themselves of that * p. 182 given by God to those who, for the sake of His love, do these things.

(5) The fifth question about the book of Hierotheos[12].

The book assigned to Hierotheos is not his. Some people say that it is that from Stephanos bar Ṣūdaīlē[13]. He is a heretic.

(6) The sixth question concerning the name of Hosannah and why the Greeks say it two times in the offering of the eucharist and the Syrians three times?

Hosannah means a psalm of Hallelujah; the wise Syrians say two times like the Greeks. In the first one they typify the first coming of the Lord, by the second, they typify the second coming.

(7) The seventh question. Why do the doctors mention the *maumyānē*[14] in the sacrifice and the *sedrē*[15]? They exorcise the ...[16] and not those who are baptized. And why ...[17] there are exorcisms in the baptism? When it is permitted to priest to rebuke the adversary in order to ...[18]?

... the mysterious things, for this reason, ...[19] he is without blame I think. But formerly there were other exorcists than the baptizers. The exorcisms were (said) imperatively by the priest and not suppliantly as you thought, that through the name of the Lord the adversary was deservedly rebuked as the prophet once rebuked and said: "May the Lord who built Jerusalem rebuke thee , o Satan"[20].

* (8) The eighth question: If there are on the altar three patens[21] * p. 183

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[11] Matth. VI, 2.5.16.

[12] About the Book of Hierotheos, see VÖÖBUS, "Discovery of New Manuscript Sources for the Book of Hierotheos", p. 185ff.

[13] Stephanos bar Ṣūdaīlē was a monk in 'Ūrhāi, a contemporary of Ja'qōb of Serūg and 'Aksenāyā of Mabbūg.

[14] ܡܘܡܝܢܐ one who administers an oath, an exorcist.

[15] ܣܕܪܐ array, order; here order of chants and prayers.

[16] The text has suffered here. The text in the brackets is supplied by Ms. Jerus. Mark 129, fol. 94a.

[17] The text is damaged here. The text is taken from Ms. Jerus. Mark 129, fol. 94a.

[18] The text is damaged. The text is taken from Ms. Jerus. Mark 129, fol. 94a.

[19] The text has suffered. The text is taken from Ms. Jerus. Mark 129, fol. 94a.

[20] Zech. III, 2.

[21] ܦܝܢܟܐ, πίναξ.

of the mysteries and also chalices or more, would as many priests as their number hold them and lift them up saying: "Holy things to the holy ones"?

This is a lightness. One priest, only the offering one, must lift one paten and one chalice only when lifting up, not many because the body and the blood placed in many (chalices and patens) is one.

(9) The ninth question: If there is a priest who is not able to serve the mystery or the ephod on account of his sight or because of his negligence, is it permitted the deacon to complete them in his presence?

If these things really happen to the priest, the deacon will approach him supplicantly and humbly asking him for that. If he permits him, let him fulfill that like a subordinate. If, however, he is not persuaded to give him permission, he will bring the case to the head of the priests of this particular place privately[22], not by means of an uproar. The head of the priests will arrange the case as he thinks fit—to correct the priest or to authorize the deacon.

(10) The tenth question: Is it suitable for the priests to sign the chalice with other prayers than those written. Is it lawful for the deacon to sign the chalice when there is no presbyter? Or is it lawful to give the eucharist without the chalice?

It is not lawful for a priest to sign the chalice without the written[23] prayers. As for the deacon, where there is no[24] presbyter, he will sign the chalice silently; he shall not dare to say the priestly prayers[25]. Let him sign, moreover, on the chest[26] and not on the altar[27]; and he takes the pearl[28] with fear <and caution> [29] and places it in the * p. 184 chalice[30], * asking forgiveness from God; then he will say "Our Father, who art in heaven", communicate the mysteries and give them to the faithful who ask for them. However, it is not permitted to give the body without the blood. This is forbidden by the canons.

(Here) end the ten questions and their answers[31].

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[22] Lit. secretly.

[23] The text is restored.

[24] The text is restored.

[25] The text is restored.

[26] ܦܘܪܓܝܣܩܐ, πυργίσκος, chest or shrine.

[27] The text has partly suffered and is restored.

[28] ܡܪܓܢܝܬܐ, μαργαρίτης, a particle of the eucharistic bread.

[29] Damaged, not decipherable, the text is taken from Ms. Jerus. Mark. 129, fol. 94b.

[30] An important source for this text has been preserved by Ms. Jerus. Mark 129, fol. 93a-94b; this codex was written during the lifetime of the author. The same text appears in Ms. Mardin Orth. 323, fol. 20b-23a.

[LXXXVI]

[A RECORD OF EPISCOPAL SEES]

Again we write a record[1] of the sees which are in the chief seats and the metropolitan sees according to (the way) they were set up through the comeliness of order[2] from the former (times) through the guardianship[3] of the venerable fathers who were in the (new) creation from the first in former times, and at present are taken care of by regularity[4] and made up by metropolitans and bishops, (by) one order[5] as from the patriarch. And (in it) everybody stands in his (respective) rank, and there is nothing that is against his colleague or still more—in the order[6] and of the trustworthy Prince.

The[7] (very) first head, and the one holding primacy of the principalities of the orthodox faith, is Jesus Christ, our Lord God who is over all[8].

After Him the first see, the throne[9] of Antioch which is patriarchal[10].

And to it seven sees are subjected which are these: the first, Ḥaleb[11]; the second after it, Qennešrīn[12]; after it G'abūlā[13]; after it Seleuqeyā[14]; after it Ḥanaṣartā[15]; after it Pilaṭon[16]; after it Gabbūlā[17].

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[1] Lit. memory.

[2] τάξις.

[3] Lit. care.

[4] Derived from τάξις.

[5] τάξις.

[6] τάξις.

[7] The emergence of this document is very welcome since it is the most ancient witness regarding the *Notitia Antiochena*. All the Greek texts known to us are younger. Ms. Gr. Halki 22 is of 1551 A.D., made known by Papadopoulos-Kerameus, Ἑλληνικὸς φιλολογικὸς Σύλλογος XVIII, p. 65ff.; Ms. Par. Suppl. Gr. 1226 is of the 12th or 13th cent., Nau, "Les suffragants d'Antioche", p. 209ff.; Ms. Vat. Gr. 1455 is of the 15th cent., Gelzer, "Ungedruckte und wenig bekannte Bistümerverzeichnisse", p. 247ff.; Ms. Berl. Philipp. 1477 is also of the 15th cent., *ibid.*, p. 255f. Cf. also Vailhé, "La < Notitia episcopatum > d'Antioche", p. 139ff. The document in its present form cannot have been composed during the reign of Patriarch Athanasius I in August 570 A.D., as accepted by Nau, "Les suffragants d'Antioche", p. 209 and Honigmann, "Studien zur Notitia Antiochena", p. 60ff., but must be several centuries younger. An examination of the lists shows that it includes episcopal sees which in other sources emerge much later than the time of Patriarch Athanasios I.

[8] This proem is a peculiarity of the Syriac version due to its expanded form. Cf. also Rahmani, *I fasti della chiesa patriarcale antiochena*, p. IIff.

[9] θρόνος.

[10] πατριαρχικός.

[11] The *Notitia Antiochena* reads here Βέροιας, Berea.

[12] Χαλκίδος, Chalcis.

[13] Γαβάλων, Gabala.

Again, two sees[18] which are subjugated to the patriarch, and by him the (holders) are sent in delegation[19], for example to represent (him) at synods and in similar (cases like) these: Sal’amyā[20] and Bar’aqōsōn[21].

The autocephalous[22] (sees): Beryṭōs[23], Ḥomṣ[24], Laodīqeyā[25], Qūrōs[26].

* p. 185 * Metropolitan sees: twelve. The first Ṣūr[27], and the sees under it are these: the first, Pūrpōrīnōs[28]; the second, ’Arqīōs[29] which is Ṭarblōs; the third, Pṭōlōmīdōs[30]; the fourth, Sīdōnōs[31]; the fifth, Bīlību[32]; the sixth, Bōṭrīōn[33]; the seventh, ’Artōsī’adōs[34]; the eighth, ’A’ardū[35]; the ninth, ’Anṭ’ardōs[36]; the tenth, P’an’aīōs[37]; the eleventh, ’Ar’akl’aōs[38]; the twelfth, Ṭrī’apōlīs[39]; the thirteenth, Ṣarept[40]. These are the thirteen (sees) of Ṣūr.

The second metropolitan see Ṭ’arsōs[41] of Qīlīqīyā and the sees under it are these: the first, ’Ad’anā[42]; the second, Seb’asṭīs[43]; the third, Pōmpīōpōlīs[44]; the fourth, Malōn[45]; the fifth, Gōsṭōs[46]; the sixth, Qūrīqū[47]. These are the six of Ṭ’arsōs.

The third metropolitan see ’Ūrhāi[48] and the sees under it are these: the first, Bīrtā[49]; the second, Maʿartā[50]; the third, Ḥarrān[51];

[14] Σελευκείας Πιερίας, Seleucia.

[15] ’Ανασάρθης, Anasarta; in Syriac also Ḥūnaiṣirtā, DRAGUET, "L’ordination frauduleuse", p. 88.

[16] Πάλτου, Paltos.

[17] Γάββουλας, Gabbula.

[18] Here the Greek original is fuller: εἰδὶ δὲ καὶ δύο λιτοὶ ἀρχιεπίσκοποι.

[19] Lit. intercession; the Greek original reads: ἐπὶ πρεσβείαν.

[20] Σαλαμιάδος, Salamias, i.e. Phoenicia in Lebanon.

[21] Βαρκουσῶν, Barkousa, identified with Barqīšā, 4 km. South West of Qārā, ALT, "Barkusa".

[22] αὐτοκέφαλοι.

[23] Βηρυτοῦ, Berytos.

[24] ‘Εμέσης, Emesa.

[25] Λαοδικείας, Laodicea.

[26] Κύρου, Cyrrhos.

[27] Τύρου, Tyre.

[28] Πορφυρεῶνος, Porphyreon.

[29] ῎Αρκης, Arca.

[30] Πτολεμαΐδος, Ptolemais.

[31] Σιδῶνος, Sidon.

[32] Βύβλου, Byblos.

[33] Βοτύων, Botrys.

[34] ’Ορθωσιάδος, Orthosias.

[35] ’Αράδου, Aradus.

[36] ’Ανταράδου, Antaradus.

[37] Πανεάδος, Paneas.

[38] ‘Ράχλης, Rakle, Heraclea.

[39] Τριπόλεως, Tripoli.

[40] Σαρέφθης, Sarepta.

[41] Ταρσοῦ, Tarsus.

[42] ’Αδάνων, Adana.

[43] Σεβαστῆς, Sebaste.

[44] Πομπηϊουπολεως, Pompeiopolis.

[45] Μαλλῶν, Mallos.

[46] Should be ܐܘܓܘܣܛܘܣ Aūgūstōs, *I fasti*, p. 111. Αὐγούστης, Augusta.

[47] Κουρίκου, Corycos.

[48] ’Εδέσσης, Edessa, ’Ūrhāi.

[49] Βύρτης, Birtha.

[50] Μαραθᾶς, Marata.

[51] Κάρρων, Charra, Ḥarrān.

the fourth, Tellā[52]; the fifth, Marqūpōlīs[53]; the sixth, Baṭnān[54] of Serūg[55]; the seventh, Telmaḥrīn[56]; the eighth, Amzīn[57]; the ninth, Qōrqīsiōn[58]; the tenth, Dūšar[59]; the eleventh, Qalliniqōs[60]; the twelfth, N'aswallinaṭīnos[61]. These are of 'Ūrhāi.

The fourth metropolitan see 'Aūpameyā[62] and the sees under it are these: the first, 'Epīph'aniōs[63]; the second, Sōlōqābīlū[64]; the third, L'arsīōs[65]; the fourth, B'al'anōs[66]; the fifth, Marīm'as[67]; the sixth, R'aph'aniyā[68]; the seventh, 'Arīstā[69]. These are the seven of 'Aūpameyā.

The fifth metropolitan see Mabbūg[70] and the sees under it are these: the first, Zeūgmā[71]; the second, Šūrā de-Rhōmiyā[72]; the third, Bēt Belaš[73]; the fourth, Q'asrīn[74]; the fifth, P'arīn[75]; the sixth, 'Aūrim[76]; the seventh, Dolīk[77]; the eighth, Garm'anīqiā[78]; the ninth, * 'Eūropōs[79]; the tenth, ʿAr'agīz[80]; the eleventh, Šemīšaṭ[81]. These are * p. 186
the eleven (sees) of Mabbūg.

The sixth metropolitan see Bōṣrā[82] and the sees under it are these: the first, G'arsōn[83]; the second, Pīlōdelpīōs[84]; the third, 'Adraʿat[85]; the fourth, 'Amīd'abīōn[86]; the fifth, 'Askūndōn[87]; the sixth, Lehm'akīdar[88]; the seventh, Zōrōn'as[89]; the eighth, 'Ar'as[90]; the ninth,

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[52] Κωνσταντίνης, Constantina, Tellā.

[53] Μαρκουπόλεως, Marcopolis, in Syriac Hiklā de-Ṣīdā or Sayyādā.

[54] Βατνῶν, Baṭnān.

[55] Σερογηνῆς, Serūg.

[56] Θελμάρων, Tellmaḥrē.

[57] Should be ܐܡܪܝܢ 'Imerīn, *I fasti*, p. IV.

[58] Κιρκεσίου, Circesion.

[59] Δαυσάρων, Dausara.

[60] Καλλινίκου, Callinicos.

[61] Νέας Οὐαλεντίας, Nea Valentia.

[62] 'Απαμείας, Apamea.

[63] 'Επιφανείας, Epiphania, Hama.

[64] Σελευκοβήλου, Seleucobelus.

[65] Λαρίσσης ἤτοι Σέζαρ, Larissa.

[66] Βαλανέως, Balanea.

[67] Μαριάμμης, Mariamme.

[68] 'Ρεφανεως, Raphanea.

[69] 'Αρεθούσης, Arethusa.

[70] 'Ιεραπόλεως, Hierapolis.

[71] ܙܘܓܡܐ Zeūgmā, *I fasti*, p. IV. Ζεύγματος, Zeugma. The reading in the manuscript is corrupt.

[72] Σούρρων, Šūrā de-Rhōmāyē.

[73] Βαρβαλισσοῦ, Barbalissos.

[74] Should be ܢܐܩܐܣܪܝܢ Ne'aq'asrīn, *I fasti*, p. IV. Νεοκαισαρείας, Neocaesarea.

[75] Πέρρης, Perrhe.

[76] 'Ωρίμων, Ourima.

[77] Δολίχης, Doliche.

[78] Γερμανικείας, Germanicia.

[79] Εὐρωποῦ, Europos, in Syriac Marʿaš.

[80] 'Οραγίζων, Eragiza.

[81] Σαμοσάτων, Samosata.

[82] Βόστρων, Bostra.

[83] Γερασῶν, Gerasa.

[84] Φιλαδελφίας, Philadelphia.

[85] 'Αδράων, Adraa. Missing in *I fasti*, p. IV.

[86] Μηδάβων, Madaba.

[87] Correctly ܐܣܒܘܢܕܘܢ, *I fasti*, p. IV. 'Ασβούνδων, Esbous.

[88] More correctly ܕܐܠܡܐܘܢܕܘܢ, *I fasti*, p. IV. Δαλμούνδων, Damounda(?).

[89] Ζωρονίας, Zorana.

[90] Ἕρρης, Erra or Hierapolis.

'Aītrōōīs 'Almōsōn[91]; the tenth, 'Asṭī'amōs[92]; the eleventh, Qōsṭanṭīnōs[93]; the twelfth, B'arbōlīs[94]; the thirteenth, Dīōnōsī'adōs[95]; the fourteenth, Qenō'at'as[96]; the fifteenth, Maksīmōpōlīs[97]; the sixteenth, Phīlōpōpōlīs[98]; the seventeenth, Kerīsopōlīs[99]; the eighteenth, N'aīlōn[100]; the nineteenth, Dūras[101]. These nineteen are under Boṣrā.

The seventh metropolitan see 'An'azarbā[102] and the sees which are under 'An'azarbā are these: the first, 'Epīph'anīōs[103]; the second, 'Aleksandrū[104]; the third, Qam'ansū[105]; the fourth, Īrīnōpōlīs[106]; the fifth, Plūbīdōs[107]; the sixth, Mōsū[108]; the seventh, M'assū'ast'anas[109]; the eighth, Q'aṭ'ablīōs[110]. These are the eight under 'An'azarbā.

The eighth metropolitan see Seleūqiyā[111] of Īsaūriyā: the first, 'Agōn[112]; the second, Qlaūdī'apōlīs[113]; the third, Dī'aōqesarī'as[114]; the fourth, 'Aūrb'anōs[115]; the fifth, D'alīndū[116]; the sixth, S'abīlōn[117]; the seventh, Q'al'and'arīōs[118]; the eighth, 'Aītm'arīū[119]; the ninth, Ṭītiōpōlīs[120]; the tenth, L'amū[121]; the eleventh, 'Anṭīōkī'as

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[91] ܐܝܛܘܣܝܣ ܐܠܡܘܣܘܢ, 'Aitōsīs 'Almōsōn, *I fasti*, p. IV f. 'Αλαμουσων, Alamusa; before this the Greek has another see Νεύης, Neve, which is missing in Syriac.

[92] ܐܘܛܐܡܘܣ, 'Aūṭ'amōs in *I fasti*, p. V. For this there is no counterpart in Greek.

[93] Κωνσταντίνης, Constantia.

[94] Παρεμβολῆς, Parembole; before this the Greek reads Εὐτίμης.

[95] Διονυσιάδος, Dionysias.

[96] Κανοάθας, Kanotha.

[97] Μαξιμιανουπόλεως, Maximianopolis.

[98] Φιλιππουπόλεως, Philippopolis.

[99] Χρυσόπολις, Chrysopolis.

[100] Νεήλων, Neila.

[101] Δουρέας, Lorea(?).

[102] 'Αναζάρβης, Anazarb.

[103] 'Επιφανείας, Epiphania.

[104] 'Αλεξανδρουκαμβύσου, Alexandria.

[105] Qamanasu is a blunder emanating from a corrupted from of 'Αλεξανδρουκαμβούσου made popular by JOHANNES MALALAS, *Chronographia*, p. 397. The correct name is 'Αλεξάνδρεια κατ' 'Ισσόν. The mistake which understood here two different sees, was made already in the Greek tradition.

[106] 'Ειρηνουπόλεως, Irenopolis.

[107] Φλαβιάδος, Flavias.

[108] ܐܡܘܣܘܣ, 'Amōsōs, *I fasti*, p. V. 'Ρωσσου, Rhossos.

[109] Correctly ܡܦܣܘܣܛܝܐ Mopsūesṭiyā, *I fasti*, p. V. Μομψουεστίας, Mopsuestia.

[110] ܩܣܛܐܒܠܘܣ, Qasṭ'abalōs, *I fasti*, p. V, as the last see under Anazarb; therefore. Κασταβάλης, Castabala.

[111] Σελευκείας, Seleucia.

[112] In the Greek sources Αἰγῶν appears; the Syriac has misplaced it.

[113] Κλαυδιουπόλεως, Claudiopolis.

[114] Διοκαισαρείας, Diocaesarea.

[115] ܐܘܪܒܐܝܘܣ 'Aūrb'aiōs, *I fasti*, p. V. 'Ορόβης, Orobe or Olba.

[116] Δαλισάνδου, Dalisandos.

[117] Σεβήλων, Sebela.

[118] Κελενδέρεως, Celenderis.

[119] Correctly ܐܢܝܡܐܪܝܘ 'Anīm'arīū, *I fasti*, p. V. 'Ανεμουρίου, Anemorion.

[120] Τιτιουπόλεως, Titiopolis.

[121] Λάμου, Lamos.

Miqrīs[122]; the twelfth, N'ap'alī'as[123]; the thirteenth, Qīsṭrōn[124]; the fourteenth, S'al'anōṭōn[125]; the fifteenth, Īōṭ'ap'as[126]; the sixteenth, Phīl'adelphī'as[127]; the seventeenth, 'Irīnīōpōlīs[128]; the eighteenth, Germōn'apolīs[129]; the nineteenth, Mūs'amōn[130]; the twentieth, Dōmīṭiōpōlīs[131]; * the twenty-first, Zbīd'as[132]; the twenty-second, Zīnōpōlīs[133]; the twenty-third, 'Ard'asū[134]; the twenty-fourth, Mīlō'as[135]; the twenty-fifth, N'apolīs[136]. These are the twenty-five of Seleūqiyā.

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The ninth metropolitan see of Damasqōs[137] and the sees under it are these: the first, 'Ailiōpōlīs[138], B'albek; the second, 'Abīlīōs[139]; the third, P'al[mūr]ōn[140]; the fourth, Laōdīqīs[141]; the fifth, Ḥawarīn[142]; the sixth, [.....]on[143]; the seventh, 'Anlnīdōn[144]; the eighth, Dī'an'abā[145]; the ninth, [......][146]; the tenth, 'Arl'aīōn[147]; the eleventh, Ser'aqīnōn[148]. These are the eleven (sees) under Damasqōs.

The tenth metropolitan see 'Amīd[149] and the sees under it: the first, Marṭūrīōpōlīs[150] which is Maīpherqīṭ; the second, 'Aīlōn[151]; the third, Bīl'abīṭīn'as[152]; the fourth, 'Arsamsṭōn[153]; the fifth, Spīn'as[154]; the sixth, Qīrā 'Arīzōn[155]; the seventh, K'ephā[156]; the eighth, Zūgmṭōs[157]. These are the eight of 'Amīd.

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[122] Αντιοχείας μικρᾶς, Antioch the Little.

[123] Νεφελιάδος, Nephelias.

[124] Κέστρων, Cestroi.

[125] Σελινούντων, Selenus.

[126] Ιωτάπης, Iotapa.

[127] Φιλαδελφίας, Philadelphia.

[128] Εἰρηνουπόλεως, Irenopolis.

[129] ܓܪܡܐܢܘܦܘܠܝܣ, Germ'anōpōlis, *I fasti*, p. v. Γερμανικουπόλεως, Garmanicopolis.

[130] ܡܘܣܐܘܘܢ, Mūs'awōn, *I fasti*, p. v. Μουσβάδων, Mosbada.

[131] Δομετιουπόλεως, Dometiopolis.

[132] Ζβίδης, Zbide.

[133] Ζηνουπόλεως, Zenopolis.

[134] 'Αδρασοῦ, Adrassos.

[135] Μιλώης, Miloe.

[136] Νεαπόλεως, Neapolis.

[137] Δαμασκῷ, Damascus.

[138] Ἡλιουπόλεως, Heliopolis.

[139] 'Αβίλης, Abila.

[140] Iys full form appears in *I fasti*, p. VI. Παλμύρων, Palmyra.

[141] Λαοδικείας, Laodicea.

[142] Εὐαροίας, Evaria.

[143] ܐܝܒܪܘܕܘܢ in *I fasti*, p. VI. Χωνοχώρων, Khonokhora.

[144] ܐܒܝܕܘܢ 'Abīdōn, *I fasti*, p. VI. The Greek sources present here 'Ιαβρούδων.

[145] Δαναβῶν, Danaba.

[146] ܪܘܡܝܘܢ, *I fasti*, p. VI. Here the Greek texts introduce Κοραδέων, Corada.

[147] Correctly ܐܪܠܐܢܘܢ 'Arl'anōn, *I fasti*, p. VI. Ἀρλανῶν, Arlane, Harlane.

[148] Σαρακηνῶν, i.e. the see of the Saracenes.

[149] 'Αμίδης, 'Amīd.

[150] Μαρτυρουπόλεως, Martyropolis.

[151] Correctly ܐܝܢܓܠܘܢ 'Inglōn, *I fasti*, p. VI. 'Ιγγιληνῆς ἤτοι ὁ 'Ιγγίλων, Ingele, Inglia.

[152] Βελαβιτηνῆς, Belabitine.

[153] 'Αρσαμοσάτων, Arsamosata.

[154] Σοφηνῆς, Sophene.

[155] Κιθαρίζων, Citharizon, Citharis.

[156] Κηφᾶς, Cepha.

[157] Ζεύγματος, Zeugma.

The eleventh metropolitan see Reṣafā[158] and the sees under it: the first, 'Agrīpī'adōs[159]; the second, D'an'abī'as[160]; the third, 'Arīsū 'Arṣ[161]; the fourth, 'Argīn'as[162]; the fifth, 'Artnzōn[163]. These are the seven of Reṣafā.

The twelfth metropolitan see Dārā[164] and the sees under it are these: the first, T'eōdōsiōpōlīs[165]; the second, Ṭūr 'Abdīn[166]; the third, B'an'asōmōsōn[167]. These are the three (sees) of Dārā.

The sum of all the sees of Antioch of Syria is thus: patriarchate: one. Syncella[168]: seven. Simple[169]: two. Autocephalous[170]: four. * p. 188 Metropolitan sees: * twelve. The sees under them, one hundred and twenty-eight, all comprising one hundred and fifty-four (sees)[171].

Glory be to the Father who strengthens, and to the Son who assists, and to the Holy Spirit who succours now and always and for ever and ever. Amen.

[LXXXVII]

THE COLOPHON

This volume[1] which contains the rule[2] of the apostles and of all the universal synods and the *šū'ālē*[3] and (the norms) of the division of inheritances, and the laws[4] of the victorious kings, was completed on the fourth day of the week on the fifth of the month of 'Iyār, the month of roses, in the year 1515 (according to the reckoning) of the Greeks[5], which is according to the Arabs the year 500[6].

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[158] Σεργιουπόλεως, Sergiopolis.

[159] 'Αγριππιάδος, Agrippias.

[160] ܙܐܢܐܒܝܐܣ Z'an'abī'as. Ζηνοβιάδος, Zenobias.

[161] 'Ορισῶν, Orizon, in Syriac 'Oriṣ.

[162] 'Εριγένης, Erigene.

[163] ܐܪܬܠܐܘܢ 'Artl'aōn, *I fasti*, p. VI. 'Ορθαλέων(?). Something is wrong here; either two names are missing or the number for the total sum is false. The *Notitia Antiochena* has here only 5 sees but listed differently: Ζηνοβιάδος, Ὁρισῶνος, Σεριγένης, Ῥαγίζων, 'Αγριππιάδος, Ἑλληνικὸς φιλολογικὸς Σύλλογος, p. 67.

[164] Δάρας, Dārā.

[165] Θεοδοσιουπόλεως, Theodosiopolis, in Syriac Rēš'ainā.

[166] Τουραβδίου, Ṭūr 'Abdīn.

[167] Correctly ܡܢܐܣܘܒܝܘܢ Mn'asūbīōn, *I fasti*, p. VII. Μνασουβίου, Mnasubion.

[168] σύγκελλοι.

[169] Here the margin offers a supplement ܬܪܝܢ ܡܫܬܕܪܝܢ ܒܐܝܙܓܕܘܬܐ which renders the Greek οἵπερ στέλλονται ἐπὶ πρεσβείαν.

[170] αὐτοκέφαλοι.

[171] The same text appears in Ms. Mardin Orth. 323, fol. 123a-126b.

[1] Lit. book, record.

[2] κανών.

[3] The genre of questions.

[4] νόμος.

(This took place) in the days of the holy fathers and true shepherds Mār Mīkā'ēl[7], patriarch of Antioch[8] of Syria, Mār Iwannīs[9] of Alexandria and all Egypt[10], and Mār Grīgorīos[11], the holy maphrian of Tagrīt[12], Nīneuē and Mōṣul and all the Orient. May God prolong during their life the duration of years and the length of time and may He let them hold the pastoral and messianic staff[13] tending the flock which was bought with the salvatory blood, and by the prayers of the Godbearer Mary and of all the saints eternally. Amen.

The humble[14] Dānī'ēl, (only) in name a presbyter, bar Jāusep bar Sargīs bar Tūmā of Bēt[15] Barṭelli[16], the blessed town which is in the land of Nīneuē, wrote down[17] and completed these lines and this volume[18]. So it may be used by every one who may (wish to) read in it and profit from it; and it may be again for his sons and his brothers and his relatives; and nobody is permitted to buy it.

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[5] I.e. Wednesday, May 5, 1204 A.D.

[6] The synchronistic datum, that this was the year 500 according to the era of Hiğra, cannot be correct. The year 500 H. would be 1106/7 A.D. Cf. *Wüstenfeld-Mahlersche Vergleichungstabellen*, p. 11. The copyist has erred here by a full century. Instead of 500 H. the date should have been 600 H. Cf. *op. cit.*, p. 13f.

[7] This Mīka'ēl is Īšō' Septānā, a nephew of Patriarch Mīka'ēl the Great, from the Monastery of Mār Barṣaumā. He is known also in the history of literature by his contributions to the genre of *'eltā*, dealing with the feasts in the liturgical year; he also composed *tūrgāmē* and an anaphora.

[8] Cf. LE QUIEN, *Oriens christianus* II, col. 1391. The evidence in this colophon furnishes us with an important correction for the tradition. The time of his election has been placed in the year 1207 A.D., *Bibliotheca orientalis* II, p. 230ff.; BAUMSTARK, *Geschichte der syrischen Literatur*, p. 302. This, however, must be a mistake, since our colophon states that in May 1204 A.D. this Mīka'ēl must have already been in his office. Thus his election must have taken place still earlier, closer to the time of the death of his great uncle, Patriarch Mīka'ēl Rabā in November 1199 A.D. He ruled until 1214 A.D. when he died.

[9] He was elected in the year 905 according to the era of martyrs, i.e. 1189 A.D. His rule ended with his death in 932 according to the same era, i.e. 1216 A.D.

[10] Cf. RENAUDOT, *Historia patr. Alexandrinorum Jacob.*, p. 554ff.

[11] He is a well-known figure, Ja'qōb bar Abraham bar 'Elīyā of Bēt Qandasi near Melitene, another nephew of Patriarch Mīka'ēl Rabā. He is the author of an anaphora which was approved by his famous uncle according to the work preserved in Ms. Berlin. 190.

[12] He was elevated to the episcopacy by Patriarch Mīka'ēl Rabā in 1189, MĪKA'ĒL, *Chronique* IV, p. 733. His occupancy of the see was filled with difficulties and strifes which lasted until his death in 1214 A.D.

[13] Or: sceptre.

[14] Lit. few, poor, vile.

[15] A comment is added in the margin: "Accurately he was of Bēt Saḥrayē".

[16] The original word has been erased and the term Barṭelli has been written over the original word which seems to have been Saḥrayē.

[17] Lit. travailed, in pains of childbirth.

* p. 189 * And whosoever borrows it in order to read in it or to profit from it or to copy from it and commits with it any trickery[19] or erases this memorial[20], may the leprosy of Gehazi[21] come[22] upon his flesh and the terror of Cain[23] paralyze his members and the rope of Judas[24] hang around his neck and all the curses and prohibitions and interdicts[25] of all the synods[26] as found in this book come upon his house, in all eternity. Amen.

Tremble, o miserable one and be afraid and have pity on yourself and do not hurt yourself. But if you borrow it, return it to its owners with kindness and love and do not erase this memorial[27] and do not cut out the *kūrrāsē*[28] from it, because if—God forbid and may it not happen!—you deface this memorial, Christ will wipe out your name from the book of life. And if you do cut out from it, the Lord will cut[29] you out on the day of judgment and will put your lot with those who did not confess the salvatory and adorable passion. Keep (this in mind) and you will live in this world and in the world to come.

Blessed be God eternally and praised be His name for ever and ever.

Lord Jesus Christ, do not refuse[30] the wages of the five twins[31] which have wearied themselves.

* * *

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[18] Lit. a little book, booklet.

[19] Lit. to plot, act perfidiously.

[20] Or: remembrance, record.

[21] II Kings V, 27.

[22] Lit. cleave.

[23] Gen. IV, 11f.

[24] Cf. Matth. XXVII, 5.

[25] Or: excommunications.

[26] σύνοδος.

[27] Or: remembrance, record.

[28] ܟܘܪܪܣܐ quire or section.

[29] The root ܦܓܠ does not appear in the *Thesaurus Syriacus* nor in the *Supplement to the Thesaurus Syriacus*. Also BROCKELMANN, *Lexicon Syriacum* cannot help us here. Does the root come from the Aramaic פגל "to mutilate", "to make rejectable", "to unfit"? Cf. JASTROW, *Dictionary of the Targumim*, II, p. 1133. The term has a cultic background, cf. LEVY, *Wörterbuch über die Talmudim und Midraschim* IV, p. 3f. The margin of the manuscript offers here ܢܦܠܓ but this seems to be only a guess on the part of a scribe who must have been puzzled by this strange vocable.

[30] Lit. to oppress, wrong.

[31] "Twins" in the feminine gender, i.e. ten fingers.

I[32] came across this collected book, which is full of superabundance[33] to the lovers of superabundance and a treasury[34] of prayers to everyone who shares regarding either the word or the deed — (I, namely,) Dionysios, one who, by the inscrutible judgment of the divine providence is the catholicos[35] of the East. We say that this book belongs to Rabban Dani'ēl, the presbyter and teacher from the village of Bēt[36] Barṭelli[37].[38]

And glory be to the Lord always continually. Amen.

Pray <for the scribe>[39].

* [LXXXVIII] * p. 190

THE CANONS OF THE MONASTERY OF MĀR MATTAI

INTRODUCTORY LETTER

By the help of our Lord we write the canons[1] of the holy and divine monastery of the holy Mār Mattai[2] in the month of *Tešrī ḥrāi* in the second year[3] of the merciful Ardašīr[4], the king of kings of the Persians.

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[32] The following text is written by another hand; the script is *'esṭrangelā*.

[33] Or: profit, advance.

[34] The term used here is ܫܒܝܬܐ which is employed idiomatically.

[35] καθολικός.

[36] Here a mark refers to the comment in the margin: "This is accurately Bēt Saḥrayē".

[37] Here the original term has been erased and the word Barṭelli has been written over it.

[38] Here follow three lines in the same *'esṭrangelā* script but they have lost their third part at the end since the text has been cut out; therefore the sense of this text cannot be recovered.

[39] This line seems to have been written by the scribe; its end has suffered severely.

[1] κανών.

[2] In Maqlūb, north of Mosul.

[3] I.e. November.

[4] The enthronement of Ardašir III took place after the death of King Šeroi in September 628 A.D. Cf. GRUMEL, *La chronologie*, p. 376 and MORTMANN, *Die Chronologie der Sassaniden*, p. 123. The year 630 A.D. cannot come into account since his rule came to its end on April 27, 630 A.D. Concerning the complications of this period, see FIRDAUSĪ, *Le livre des rois* VII, p. 407 and AL-THAʿĀLIBĪ, *Histoire des rois*, p. 731. According to these facts the month November must be November 629 A.D.

After our going back, i.e., our return[5] from the common father of our fathers, Mār Athanasios[6], patriarch of the apostolic see of Antioch, when we established union with him[7], we, the heads of the priests, whose names are written here through the mediation[8] of Jōḥannān[9], syncellus[10] and the disciple of the patriarch[11], we had a gathering in our monastery of the holy Mār Mattai[12], all the heads of the priests of the Orient. This happened in the year 940[13] of the Greeks[14]. We were moved by the (Holy) Spirit, the guide, to Tagrīt, the second place[15], for the ecclesiastical reforms and the execution of that which was stored up in our mind according to the promise which we made before the Patriarch Athanasios.

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[5] This refers to the journey by the metropolitan to Antioch. He was accompanied by a delegation of bishops, namely Gīwargī of Šīggār, Dānīʾēl of Bēt Nūhadrān, Grīgōr of Bēt Rammān, and Jazdapnah of Šarzūl, BAR ʿEBRĀYA, *Chronicon eccl.* III, col. 119. This is confirmed in the document which stems from Patriarch Athanasios' hands, MĪKAʾĒL, *Chronique* IV, p. 412.

[6] This is Patriarch Athanasios, nicknamed Gammālā. His reign is variously given — 604-631 A.D., *Liber calipharum*, p. 144; 597-631 A.D., BAR ʿEBRĀYĀ, *Chronicon eccl.* I, col. 621, 275; even 604-644 A.D., PSEUDO-DIONYSIOS, *Chronicon*, II, p. 148, 151.

[7] Concerning the negotiations and their results, we possess information from the letter written by the patriarch. In it he comes to speak of his role in these discussions and decisions. He says that "at the requests" of the Oriental bishops he "agreed" to direct the ecclesiastical affairs of the Oriental dioceses, MĪKAʾĒL, *Chronique* IV, p. 413.

[8] The documents at our disposal want us to believe that a mere accident established the course of events which led to the reorganization of the West Syrian church in Persian territory.

[9] According to one report, Jōḥannān upon completing his mission to discuss ecclesiastical affairs with the king of Persia, visited the Monastery of Mār Mattai in order to seek blessings from the saints there, MĪKAʾĒL, *Chronique* IV, p. 411. According to another version, Jōḥannān was influenced by the depth of piety of the ascetic community, and conceived the idea of bringing this community into affiliation with the patriarchal seat, BAR ʿEBRĀYĀ, *Chronicon eccl.* III, col. 119.

[10] σύγκελλος.

[11] We may not trust these reports, that this course of events was a mere accident, too much; rather we should see in this development a well planned move on the part of Patriarch Athanasios. All that is known of his energetic activities testifies to a consistently and forcefully developed ecclesiastical policy with which "Gammālā", the former camel-driver, must have surprised his contemporaries. Presbyter Jōḥannān must have known the plan before he left Antioch and must have started his journey with instructions from the patriarch himself. In this respect, we can be sure that these sources have mixed historical truth with legends. It is to be regretted that other sources provide no help in elucidating this question. The same is true in respect to a biography of Athanasios in Ms. Berl. Sach. 315, fol. 58aff. Stories about supernatural phenomena are not useful in the search for matter-of-fact data about the ecclesiastical policy of this energetic prelate.

[12] With the metropolitan of the monastery is listed Abbot Addai, BAR ʿEBRĀYĀ, *Chronicon eccl.*, III, col. 123, the transmission of whose name is not in order — the letter of the patriarch is not adressed to *rīs dairā* Addai but to *rīs dairā* Mattai, MĪKAʾĒL, *Chronique* IV, p. 411.

[13] I.e. in the year 628/9 A.D.

[14] Tradition has partly wandered off the track when it comes to the chronological side of these happenings. The date 935 A.Gr., i.e. 624 A.D. — found in ʿElīyā bar

It happened like this, that when we travelled to him to achieve our union with him, I, Christophoros, metropolitan[16] of this holy monastery of Mār Mattai, of Nīneuē and Mōṣul, the town of God, and of the region of 'Atūr[17] and the bishops with us and the venerable monks whom we brought along with us in order to make them heads of the priests for the places which have been widowed of bishops and to consecrate them to be those who accomplish the mysteries.

The patriarch, however, resisted. He wanted to keep the order[18] which we had from ancient times because we have been appointed, through the mediation of the (Holy) Spirit, those in the oriental regions who were to govern the ecclesiastical affairs—rather was it the Holy Spirit (Himself) who through the mediation of our weakness[19], perfected them. And he did not take this on himself but he ordered us, according to the canon[20] which was in effect earlier, to consecrate those who were the candidates.

* Therefore, through the mediation of Christophoros, the Holy Spirit consecrated Mār Marūtā, bishop of Tagrīt[21] and Mār <'Aitalāhā * p. 191

Šīnāyā, *Opus chronologicum*, p. 127, is wrong. In placing these events in 940 A.Gr., i.e. 629 A.D., our new document is in agreement with the biography of Marūtā, composed by his successor Denḥā, *Histoire de Marouta*, p. 79.

[15] Or: the second rank. Tagrīt at the Tigris between Mōṣul and Baghdad was an ancient town; cf. YAQUBĪ, *Histoire*, p. 121. According to the legend Apostel Thomas on his journey to Persia and India visited Tagrīt where he converted the first Christians. The town, however, does not appear in the earliest Christian records. It is curious that HERZFELD, *Historische Topographie*, p. 226ff., claims that Tagrīt was already in the 4th cent. a see of the Jacobite bishopric! Also SARRE-HERZFELD, *Archäologische Reise* I, p. 230.

[16] μετροπολίτης. This prelate was not a "Metropolit von Persisch-Armenien" as in ABRAMOWSKI, *Dionysius von Tellmahre*, p. 90. Obviously this is a confusion with the Armenian Catholicos Christophoros II (628-30).

[17] The area of Mōṣul, Nīneuē and Nimrūd, known as Assyria.

[18] τάξις. [19] Lit. fewness. [20] κανών.

[21] Concerning the establishment of the great-metropolitan see of Tagrīt, Athanasios, with the agreement of the bishops, states that Marūtā was designated to be the metropolitan of Bēt 'Arbāyā, MĪKA'ĒL, *Chronique* IV, p. 413.

Marūtā came from Šurzaq, near Bālād. He spent much time on studies in the Monastery of Šemū'ēl, Nardas, then in other places in western countries, then in the Monastery of Mār Zakkai near Qalliniqos and then in the Monastery of Bēt Raqūm, all famous as centers of learning. Then he went to the Persian territory and lived in the Monastery of Mār Mattai where he was engaged as a teacher. This seems for Margā> [22] and Gōgmel [23]; and Jazdapnah [24] <and Mār ʼAḥā> for the country of the inferior Pīr Šābōr [25] and of Namirayē [26].

(It appeared), however, right to the blessed (patriarch) and to us, that (we confer) upon Mār Marūtā, <bishop of Tagrīt> [27], the office of the metropolitan [28] for Tagrīt <and this for two reasons. First> [29] its savage [30] and pagan people had been christianized by Mār Garmai, metropolitan of our monastery although (some) great and famous tribes of them still (so) abide and have not entered Christianity [31] and had been evangelized by Mār Marūtā [32]. Second, because Ardašīr, the king of the Persians who wanted (this to be) in the citadel of Tagrīt where his garrison was (located).

With due respect for these two (reasons), we adjudged (it right) for six sees—(in the) downward area in the Orient—to be (assigned) to Mār Marūtā [33] and six to remain under the metropolitan of the

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to have taken place about 605 A.D. Later he was assigned the leadership of the monastery founded by Šīrīn in Seleucia-Ctesiphon. However, the death of the eminent physician Gabrīʼēl, the protector of the Jacobites at the royal court, changed the climate radically and compelled Marūtā to leave, taking his residence in Aqūlā. — Marūtā has left his name also in the history of literary creation. The account in his biography speaks of his exegetical works, of which remains have survived only in scholia, as well as theological, *Histoire de Marouta*, p. 83ff.

[22] The text has suffered here.

[23] See the subscriptions of this document.

[24] Here the scribe erroneously has skipped a line.

[25] See the subscriptions.

[26] The text has suffered but is restored.

[27] The text has suffered so severely that nothing can be deciphered here.

[28] μητρόπολις. Marūtā, however, was not the first in the rank of a metropolitan. Before him there were three who bore this title: ʼAḥūdemmeh, Qamīšōʻ and Šemūʻēl. However, Marūtā was the first to set up his see in Tagrīt.

[29] The text has suffered and is not decipherable.

[30] The text has suffered much and it is difficult to decipher this word; the term is taken from Ms. Mardin Orth. 323, fol. 120a.

[31] χριστιανισμός.

[32] About these activities see his biography, *Histoire de Marouta*, p. 73ff.

[33] A statement elaborates Marūtā's new jurisdictions. The most important part is as follows: ܪܫ ܐܝܟ ܘܡܕܒܪܢܐ ܓܘܢܝܐ ܕܟܠܗܘܢ ܐܦܝܣܩܘܦܐ ܐܚܝܕܐ ܕܬܚܘܡܝܟܘܢ ܘܕܦܢܝ̈ܬܐ ܘܕܐܦܪܟܝܣ ܕܟܠܗܘܢ ܐܡܪܟܠܐ ܕܦܘܪܩܐ ܘܕܘܒܪܬܐ ܕܗܠ ܢܗܘܐ ܠܟܠܗܘܢ ܐܝܟ ܠܛܘܦܘܛܪܝܛܐ ܕܝܠܢ "(he is) as the head and at the same time the chief director of all bishops of your regions and eparchies, so that he shall be for all our representative, deputy as our τοποτηρητής (vicar)», *ibid.*, p. 413, 14-16.

The number of his episcopal sees was later increased. Three bishoprics were created: Segestan. Herat and one in Adorbaiğan.

monastery[34]. On that account, in the sincerity of pious[35] intention, we completed this interdict, and it happened, as I said, in the year 940 according to the Greeks[36] when barbarous people were gnashing their teeth and threatening the kingdom of the Persians.

And when we were (celebrating) the service and the moment arrived to perform the enthronization[37], I approached the holy man, Mār Marūtā, as a man armed by the (Holy) Spirit. I led him warmly * and placed him on the throne[38] proclaiming him *'aksios*[39] and the people responded after me, "It is meet and right", with joy mingled with tears. When I settled the holy Mār Marūtā down on the throne[40] with (all) affection, burning and being inflamed for the expansion of the holy church, and also entrusted to him the metropolitan eparchy[41] by the speech[42] of my mouth and confirmed it by my stance openly at his right hand as his second. * p. 192

I did not to do this rashly and ignorantly nor as one who came to him in a haphazard manner but (only) after the pacts[43] (had been made) and his promises[44], true and sincere, (were given) to me, giving security to me before God and His Christ and His living Holy Spirit and in the presence of the bishops who were with me and our chaste monks and the numerous assembly of the believers who gathered and came to the church where this important[45] action[46] took place. He approved it by his signature before the eyes of many (people) to be written <and conserved in the library>[47] of our monastery as a testimony and confirmation <of all this>[48]. It was further delineated and canonically <approved by>[49] a frightful <oath> and assured <that he would follow them as well>[50] as the metropolitans who are to come after him also shall give ...[51] and that he shall not violate any of those correct (stipulations) which were set down in orderly and various (fashion), one after another in this agreement.

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[34] The part in the investment of new dignity upon the head of the Monastery of Mār Mattai is formulated in the following way: ܘܐܦܪܫܢ ܡܛܪܦܘܠܝܛܐ ܠܡܪܝ، ܟܪܝܣܛܘܦܘܪܘܣ ܠܐܦܘܪܟܝܐ ܕܐܬܘܪ ܒܠܚܘܕ. "we have ordained Metropolitan Mār Christophoros only to the eparchy of 'Atūr", MIKAEL, *Chronique* IV, p. 413, 9-10. The privileges of the bishop of the Monastery of Mār Mattai are defined as follows: ܘܐܦܝܣܩܘܦܐ ܕܡܬܩܝܡ ܢܡܘܣܐܝܬ ܠܕܝܪܟܘܢ ܢܗܘܐ ܪܝܫ ܐܦܝܣܩܘܦܐ ܘܡܛܪܦܘܠܝܛܐ ܥܠ ܟܠܗܘܢ ܐܦܝܣܩܘܦܐ ܕܦܢܝܬܟܘܢ ܐܬܘܪ "the bishop who is appointed lawfully for your monastery, shall be the archbishop and metropolitan over all bishops of your region of 'Atūr", *ibid.*, p. 412, 40-41.

[35] Lit. divine.

[36] I.e. in the year 628/9 A.D.

[37] ἐνθρονισμός.

[38] θρόνος.

[39] ἄξιος.

[40] θρόνος.

[41] μητρόπολις.

[42] Lit. my word.

[43] ܩܝ̈ܡܐ.

[44] Athanasios speaks of the promised privileges of the abbot of the Monastery of Mār Mattai. His letter addressed to the abbot, the clergy and the community of the monks of the monastery is designed to give written guarantees to the monastery. What was promised through the emissary Presbyter Jōḥannān, here finds its confirmation. The substance of these privileges is described in the following way: ܢܬܠܢ ܠܗ ܐܪܟܘܬܐ ܘܪܝܫܘܬܐ ܥܠ ܟܠܗܘܢ ܒܡܕܝ̈ܪܐ ܕܐܪܬܕܘܟܣܘ ܕܒܝܬ ܦܪ̈ܨܘܦܐ. ܘܠܐܝܬ ܐܠܗܐ ܐܝܟ ܕܐܡܪܢ. ܬܬܝܗܒ، ܠܗ ܒܐܪܟܝܦܝܣܩܘܦܘܬܐ ܘܪܝܫܘܬܐ ܥܠ ܟܠܗܘܢ ܕܘܪ̈ܐ، ܐܦܝܣܩܘܦܐ ܘܪܝܫ ܕܝܪ̈ܝܐ ܕܒܐܬܪܘܬܐ ܕܐܡܪܝܢ ܘܐܝܢ ܬܪܝܢܐ ܒܬܪ ܗܘ ܕܐܦܝܣܩܘܦܐ. ܘܦܪܢܣܐ ܘܡܕܒܪܢܘܬܐ ܗܠܝܢ

THE CANONS

The beginning of the canons[52] which have been determined by us
* p. 193 for him to follow * during his time and which he will devolve upon those who will come after him.

The first canon[53]. That the metropolitan of the monastery shall

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ܕܠܫܡܫܢ ܠܗ ܟܘܡܪ̈ܝܐ ܒܪ̈ܝܬܐ ܐܝܟ ܕܐܝܬ ܗܘܐ ܠܩܕܡܝܢ ܕܪ̈ܝܫܬܐ ܕܥܘܡܪܗܘܢ "the honor (of preeminence) shall be granted to your holy monastery and the primacy over all the monasteries of the orthodox believers in Persia; and (the honor) of chorepiscopus shall be preserved for your godloving *rīšdairā*, and the primacy over all the chorepiscopoi, and the abbots of the named regions, and the honor of a second after the bishop, and the freedom (in action) and administration in the ecclesiastical affairs which belongs to him, so as it has been for the abbots of your monastery", MIKA'ĒL, *Chronique* IV, p. 412, 32-38.

[45] Lit. accurate.

[46] Or: manner of proceeding.

[47] The text is damaged here; the lower corner of the folio page has been broken off; this has destroyed the last words for 6 lines.

[48] The text is damaged.

[49] The text is damaged.

[50] The text is damaged.

[51] The text is damaged.

[52] κανών. While the tradition has preserved for us some information about the main happenings in the process of reorganization, it knows very little about the event which our new document unfolds — the synod that was summoned to set up the course of ecclesiastical affairs in a new situation. Īšōʿdenaḥ of Baṣrā has preserved a remembrance of the synod of Mār Mattai, but this is no more than a note, see 'ELIYĀ BAR ŠĪNĀYĀ, *Opus chronologicum*, p. 127. However, 'Elīyā bar Šīnāyā, who has incorporated this note into his annalistic work, connects it with a chronologically wrong date. A remembrance of the synod also appears in the Chronicle of Seert, *Histoire nestorienne*, PO XIII, p. 543, and in Bar 'Ebrāyā, *Chronicon eccl.*, III, col. 123.

[53] Of the resolutions and decisions adopted by the first convocation in the newly reorganized structure of the church not a single trace has been left in other sources. Bar 'Ebrāyā's codification work of the ecclesiastical canons and resolutions shows

be proclaimed[54] together (with the metropolitan of Tagrīt), in the monastery, in Nīneuē and in the town of Mōṣul.

The second canon. That the metropolitan of the monastery sits at the right hand of him, and in every (affair) is present as also I (have done).

The third canon. That one shall not judge one of the bishops, neither to make him right nor to make him guilty without the metropolitan of the monastery.

The fourth canon. That the metropolitan of the monastery shall be the one who looks after Tagrīt, when he is not present whether by death or by absence.

The fifth canon. That the metropolitan of Tagrīt shall not enter (the territory of) the jurisdiction[55] of the monastery except only if he himself separates villages for him, namely, the metropolitan of the monastery.

The sixth canon. That it is not allowed him to carry out ordination[56], to consecrate the myron[57], and to give judgments and to excommunicate anyone without the permission of the metropolitan of the holy monastery.

The seventh canon. That it is not allowed him to fulfill a demand of the believers in the jurisdiction of the monastery or to enter one of their churches without the permission of him of the monastery.

The eighth canon. That it is not allowed him at all to entrap the metropolitan of the monastery in one or another complex way because he has his rank.

The ninth canon. That it is not allowed him to judge the metropolitan of the monastery—not by himself nor by the assembly[58] of the oriental bishops or by his priests at Mōṣūl.

The tenth canon. That it is not allowed him to appoint a bishop for one of the sees under him except by the mediation of the metropolitan of the monastery.

* The eleventh canon. That it is not allowed him to make an appeal[59] to the patriarch of Antioch except only by the consent of the metropolitan ...[60] first his will. * p. 194

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no knowledge of the existence of these canons. We therefore have particular reasons for rejoicing over the resuscitation of this document from its grave. The more so because it belongs to a historically important event in the history of West Syrian Christianity deep in the territory of the East Syrian Christianity.

[54] Or: shall be recited in the public prayer.

[55] ܫܘܠܛܢܗ. [56] χειροτονία. [57] μύρον. [58] ܟܢܘܫܝܐ.

[59] The text has suffered but the last 3 words are restored. [60] The text is damaged.

The twelfth canon. That it is not allowed ...[61] anything at all without the presence of the metropolitan ...[62] his own.

The thirteenth canon. That it is not allowed him ...[63] also not a gathering from the jurisdiction of the metropolitan.

The fourteenth canon[64]. That it is not allowed him to administer any of the ecclesiastical affairs at all in the diocese of the monastery.

Canon 15. That it is not allowed him to approve or to reject the men, who shall be called by grace through the election of the abbot, to be appointed bishop or metropolitan.

Canon 16. That it is not allowed him to absolve an anathema inflicted by the metropolitan of the monastery at all whatever the reason.

Canon 17. That it is not allowed him to break off a law suit which belongs to (the competency of) the metropolitan of the monastery or to open it let it be settled not without his permission.

Canon 18. That it is not allowed to put some impost forcefully upon the metropolitan of the monastery nor upon the bishops of the monastery — that deserves deposition[65].

Canon 19. That it is not allowed him to give the right to one whom the metropolitan of the monastery has condemned nor to condemn somebody who has been declared in the right by him.

Canon 20. That it is not allowed him to sit when the metropolitan of the monastery enters (the room) but to stand in front of him and to receive him with honor and also not to remain reserved about honor that, by him, is bestowed on him.

Canon 21. That it is not allowed him to profane (the honor of) the metropolitan of the monastery or to bypass him in regard to honors, those which have been bestowed on him by God through the hands of his fathers.

* p. 195 * Canon 22. That it is not allowed him to seek for help from the outside rulers[66] against the metropolitan of the monastery; but if a matter of strife (arises), he shall seek help from his bishops, his companions.

Canon 23. That it is not allowed to throw an anathema against the metropolitan of the monastery for personal or secular reasons.

Canon 24. That it is not allowed to keep a grudge and a lasting anger against the metropolitan of the monastery for that also brings condemnation but he shall be obedient to these canons[67] because we are subjugated under the anathemas of these (our) bishops and of his (bishops as well).

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[61] The text is damaged.
[62] The text is damaged.
[63] The text is damaged.
[64] The text has suffered but the last 2 words are restored.
[65] καθαίρεσις.
[66] ܫܘ̈ܠܛܢܐ ܒܪ̈ܝܐ.

I, Christophoros, have <composed> these (canons) about him. I think certainly that <he will execute them>[68] entirely and without imperfection because <of the peace>[69] of the church ...[70] continually.

He who annuls these canons ...[71] anyone whoever he may be or destroys or tears them ...[72] by the suppression of these canons ...[73]. He shall ask (him) to give account of his error and He shall judge him severely and will enter with him to the tribunal for the rejection and the abolition of these (matters) which have been instituted by our weakness[74] on behalf of the peace of the holy church and the spreading of the true and glorious orthodox faith. He who frivolously scorns them destroys and alters them or defaces them and acts perfidiously, it is known that he shall give an account of it on the last day to the Lord. He shall avenge me for my labors and trouble * and * p. 196 my weariness in these (concerns) and my care for assuring and fixing them. These many things are like the transgressions whose torment does not cease, whose tortures do not achieve, whose plagues do not end and whose judgment does not finish. I am salvaged, free and saved of the sins of him who scorns these (canons) and I know this as also Christ knows this without change or transformation.

But you, o seekers of these (canons) and lovers of learning, obtain the peace of the holy church and do not use them cunningly for the commerce of quarrel and disputes; because I accomplished what has been ordered by the Lord: "Give to everyone who asks from you and do not refuse him who begs from you"[75]. I manifested obedience to Peter, the head of the church, and my teacher, warning those who received the gift from God to provide for their brethren as faithful stewards of the distinguished grace of God[76]. And I do this like a weak steward who has some little parts of the gift of God that I give generously.

But you, o my brethren, help me ...[77] prayers during the time of my captivity so that he may hear me and loose me of the bonds...[78] in which my senses have been interlaced and have weakened me. I supplicate...[79] to stand for His holy church... until the bounds of the earth... or the corrupting heresies...[80] and protected from the harming and attacking hand of the foreign sons without God; * p. 197 and shall deliver you from all evils and harm * of the slanderer and from the condemnations reserved for those who transgress the law[81] by the prayers of the Holy Virgin, the Mother of God, Mary and all the saints. Amen.

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[67] κανών.

[68] The text has suffered and is not decipherable.

[69] The text has suffered but this seems to be the reading.

[70] The text is damaged.

[71] The text is damaged.

[72] The text is damaged.

[73] The text is damaged.

[74] Lit. fewness.

[75] Matth. V, 42.

[76] Cf. I Peter V, 1 ff.

[77] The text has suffered and is not decipherable.

I, Chriṭophoros, metropolitan of the holy and divine monastery of Mār Mattai and of Nīneuē and of Mōṣul, the town of God, have written and determined.

I, Mār Marūtā, metropolitan of Tagrīt, have determined and have confirmed these (canons) that are (written) above and have set the signature.

I, Mār Gīwargīs[82], have determined, decreed and confirmed these that are (recorded) above and have set the signature[83].

I, Mār Dānī'ēl, bishop of Bēt Nūhadrān[84], have determined, confirmed and set the signature.

I, Mār 'Esṭapanos, bishop of 'Arzūn[85], have determined and decreed and set the signature.

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[78] The text is damaged.

[79] The text is damaged.

[80] The text is damaged.

[81] νόμος.

[82] The text has suffered here. We learn from Bar 'Ebrāyā that his bishopric was in Šīggār, *Chronicon eccl.* III, col. 119. The mountain-chain of Šīggār, not far from Niṣībīn, was an ancient stronghold of monks of the monophysite faith. See *Histoire d'Ahoudemmeh*, p. 27f. Grīgōr of Kaškar, the metropolitan of Niṣībīn, undertook repressive actions against them; *Chronicon anonym.*, p. 18. Concerning this Grīgōr, see VÖÖBUS, *History of the School of Nisibis*, p. 208f., 304ff.

[83] Something has fallen out from this text, namely a similar name. From Bar 'Ebrāyā we learn that the list included also Grīgōr, bishop of Bēt Rāmān, *Chronicon eccl.* III, col. 119. This bishopric was known also as Bēt Wāzīq, *ibid.*, col. 123, 131. Obviously both towns which are between Mōṣul and Tagrīt, constituted one bishopric. Concerning these places, see VAN LANTSCHOOT, "Beth Ramman", col. 1238 and "Beth Waziq", col. 1240f.

[84] A region which reached up to Bālād and in the north up to Halmōn, i.e. the area north of 'Atūr and east of Bēt Zabdai which is east of Ṭūr 'Abdīn. Cf. HOFFMANN, *Auszüge*, p. 208ff.; VAN LANTSCHOOT, "Beth Nuhadra", col. 1236. Another form of its name is Bēt Nūhadrā or Bēt Nūhadrē. Cf. POGNON, *Inscriptions sémitiques*, p. 29f.; 44f.; FIEY, *Assyrie chrétienne* II, p. 322ff.

[85] 'Arzūn is the name for the town and district of Armenia on the northern border of Mesopotamia, extending from Ğezīret ibn 'Omar to 'Amīd in the west. The town 'Arzūn (Erzerum) was an ancient episcopal see which was represented on the synod held under Catholicos Isḥāq in the year 410 in Seleucia-Ctesiphon. Cf. *Synodicon orientale*, p. 36.

I, Mār 'Aitalāhā, bishop of Margā[86], and of Gūgmel[87], have determined, confirmed and set the signature.

I, Mār Īšōʿraḥmeh, bishop of Ṭīrhān[88], have determined and set the signature against everyone who trespasses these canons of the holy monastery.

I, Mār Jazdapnah, bishop of Šahrōz[89], have determined, confirmed and set the signature.

I, Mār 'Ahā, bishop of the interior Pīr Šābōr[90], also of Namirayē[91], have determined and set the signature.

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[86] The location of the town of Margā is not exactly determinable, but according to the literary sources it was not far from Mōṣul, namely north-east of it; it seems to have been Marğ al-Mauṣil or Marğ Abū ʿObaida, YAQUT, *Muʿğam al-buldān* IV, p. 488. The region of the diocese was bordered by the Upper Zab in the south, the river Ḥāzir from the south-east and the mountain-chain of ʿAqrā in the north. Cf. HOFFMANN, *Auszüge*, p. 222ff.; FIEY, *Assyrie chrétienne* I, p. 225ff. Margā is missing in the list given by Bar ʿEbrāyā. Moreover, Margā must be added to the list of the episcopal sees not mentioned by Mīka'ēl, HONIGMANN, *Le couvent de Barṣauma*, p. 157.

[87] Gōgmel or Gōmel is the area of Tell Gōmel, east of Mosul. The term vocalized as Gōgemal appears in TŪMĀ, *Book of Governors*, I, p. 164. In Bar ʿEbrāyā the form Gōmel appears with his comment that this is one of the large villages in the region of Margā, east and north of Ṭūr 'Alpheph, *Chronicon eccl.* III, col. 121, 123. The form of the name in our source strengthens the assumption that this place is the ancient Gaugamela. Cf. HOFFMANN, *Auszüge*, p. 194.

[88] Or Ṭrīhān, an ancient episcopal see, cf. *Synodicon orientale*, p. 89. The same see appears in Bar ʿEbrāyā as Karmeh, *Chronicon eccl.* III, col. 123. It was located in the area of Sāmarrā. The northern boundary of the diocese reached almost the Little Zab; cf. HOFFMANN, *Auszüge*, p. 188. Tagrīt belonged originally to the bishopric of Ṭīrhān; cf. SACHAU, *Zur Ausbreitung des Christentums*, p. 36.

[89] Šarazūl or Šaharzūl in Bar ʿEbrāyā, *Chronicon eccl.* III, col. 123. Other forms of the name are: Šaharzūr, Šahrazūr and Šahrzūr. The bishopric covered the mountain region between 'Arbēl and Hamadān, YAQUT, *Muʿğam al-buldān*, III, p. 340. About this location, see MINORSKY, "Shehrizur", p. 370ff.

[90] The location is Pērōz Šābōr, built by Šāpūr II on the eastern bank of the Euphrates, south of the canal of Šaqlāwiya. Later it was known as 'Anbār. In the acts of the martyrdom of Grīgōr Pērōz Šābōr appears as "the town of the Arabs", *Histoire de Mar Jabalaha*, p. 375. The town which was the residence of the first Abbasid Caliphs, YAQUT, *Muʿğam al-buldān*, I, p. 367, was located approximately in the same latitude as Baghdad, not far from Qalʿat Fellūğa.

[91] That the location of this episcopal see was on the eastern bank of the Euphrates is confirmed by our document which includes the Arab tribe al-Namir in the diocese. This fact speaks strongly against the identification of the location with Faišabūr at the Tigris, south of the place where Ḥābūr flows into the Tigris, as suggested by HOFFMANN, *Auszüge*, p. 213 and MARKWART, *Südarmenien*, p. 439. About this tribe, see AL-ISFAHĀNI, *Kitab al-aṛāni*, XX, p. 127f., 134. This tribe is not mentioned in the list of the Christian Arab tribes in GRAF, *Geschichte chr. arab. Literatur*, I, p. 25ff.

I, Mār Jōḥannān, bishop of Ḥīrtā[92], the Arabs and Qūran[93], have determined and set the signature.

I, Mār Jōḥannān, bishop of ʿAnāt[94], and of Taglibiyē[95], have determined, decreed and set the signature[96].

[LXXXIX]

THE AGREEMENT ABOUT THE APPOINTMENT OF CHRISṬOPHOROS

Then we write the agreement about the appointment of Christophoros, metropolitan of the holy and divine Monastery of Mār Mattai[1].

* p. 198 * In the name of the Father, the Son, and the Holy Spirit.

When we were gathered in the town of God, Mōṣul, we the ...[2] of the holy and divine monastery of Mār Mattai, I, Ḥūran[3], the abbot of the monastery and the rest of the fathers and Jōḥannān, the bishop of the monastery and ...[4] of the monastery with the community[5] of the Ninivites, Mosulans, Nuhadreans and the Margans, we then met Denḥā the Ḥarranite and solicited him to consecrate for us a metropolitan for the monastery, Nīneuē and Mōṣul, according to the canon and the right it has had since ancient times.

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[92] Ḥīrtā is the Syriac form of Ḥīrā of the Arabs, located south of Kūfa, YAQUT, *Muʿǧam al-buldān* II, p. 375f. Ḥīrtā was an ancient episcopal see, as demonstrated by the subscriptions of the acts of the synod of Seleucia-Ctesiphon the year 410, *Synodicon orientale*, p. 24. The Arabs lived in Ḥīrā, as well as in ʾAnbār and in the settlements at the Euphrates, not in houses but in huts made of branches and wool, AṬ-ṬABARĪ, *Taʾriḫ ar-rusul* I, p. 748f.

[93] *Thesaurus syriacus* II, col. 3567 does not have knowledge of such a location. Other topographical data which have emerged, cannot help us.

[94] This place appears already in the cuneiform records as ʿAnat, located at the middle course of the Euphrates; QUDĀMA, *Kitab al-Ḫarāǧ*, p. 233 gives a description of the place. About ʿAnāt, see MUSIL, *The Middle Euphrates*, p. 345ff.

[95] This tribe had emigrated from Jemen. Concerning the ecclesiastical situation among this eminent tribe, see CHARLES, *Le christianisme des arabes nomades*, p. 75ff. The bishop of the Taglibiyē had no fixed residence and resided in ʿAnāt, Diglā or Ḥīrtā.

[96] The same text appears in Ms. Mardin Orth. 323, fol. 55b-61a.

[1] About the monastery of Mār Mattai, see page 197ff.

[2] The text has suffered here.

[3] Nothing more is known about this Ḥūran.

[4] The text has suffered here.

[5] Or: gathering, assembly.

And this (happened) after we had trodden upon our conscience, because we had not the right to receive from him the gift of the priesthood after he trod upon the excommunication of one who consecrated him—because, first, he entered into the interior church[6] whose entrance was forbidden to him because he approved (the constitution) for Mattai, our diocese which was not given to him. Further, we had requested him to consecrate for us a metropolitan and he did not consecrate. He made a tribunal and resolved judgments which were not of his competence. He consecrated priests and deacons for the town of Mōṣul and usurped the monasteries of ʿAbdā and ʿŪmrā and split the Tagritians of their interior church and the churches which are in Mōṣul. He consecrated a bishop to ʿAnāt[7] without our agreement although we had forewarned him not to do so because the invocation (of the consecration) is ours and he was not persuaded[8].

After all these doings, which were not permitted him, we again throwing all these things into the abyss of oblivion elected a monk to be consecrated for the community (of the monastery). He was not persuaded and did not deign (to do so).

Because we understood that all these (actions) were strategems[9] from him and that he is of the intention to abolish completely the canons of our monastery, and to make us his slaves paying tribute, we determined unanimously * together with all of us, those mentioned * p. 199 above, the abbot ...[10], the bishops Dionysios and Jōḥannān, the reverend monks..., the believers whose names are written here below..., that we shall not receive from him the gift of the priesthood.... We shall consecrate by ourselves this person...[11] the monk and Tagritian, presbyter who is Bar Jadī, the presbyter.

We have determined for ourselves and on all the assemblies[12] that are in this agreement that there is no permission from God for any one of us to change this writing, and the oath that we have established, or to turn our back on Mār Sargīs, the monk, and to leave him—neither before the consecration nor after. And that none of us accepts the sentence[13] of the Ḥarranite[14] and that we shall not consider anyone who keeps it except as a heretic because we do not recognize him as our chief—but we all have submitted ourselves to the governorship of the holy and Godbearer Mār Sargīs, our metropolitan and that of the monastery, I say, of Nīneuē, of Mōṣul, town of God and Christ-loving, and of the Orient.

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[6] In Mosul.

[7] Anāt is in Bēt ʿArbāyē, north of Zab.

[8] πεῖσαι.

[9] πόρος.

[10] The text has suffered here because a part of the folio is torn off.

[11] πρόσωπον.

[12] Or: congregation.

We also recognize the holy and three times blessed Mār Jōḥannān the patriarch as a chief and administrator so long as he is silent and does not help the Ḥarranite in his oppression over us. But if he moves and excites Denḥā to cast excommunications, his excommunication shall be considered by us via the unjust excommunications of Denḥā, because he does not justify the innocent and condemn the culpable.

If one of those in the assemblies mentioned turns away from Mār Sargīs, the metropolitan, who is Chriṭophoros, and follows Denḥā the Ḥarranite as the metropolitan—(of course) in name only—he is * p. 200 separated, rejected and foreign from the royal and * adorable Trinity which is one in Scripture and is the essence and the breath of life of everyone. He will be (also) stripped of the grace that he has received and which he has borne from baptism, and the hosts of the saints and the heavenlies, the souls of the prophets, the spirits of the just and the apostles shall put him to shame because of his withdrawal. And the excommunications thrown by the synod of the Three Hundred Eighteen fathers who gathered at Nicaea[15] and anathematized the impious Arius will be hanged upon his neck and suspended from the nape of his neck as well as the anathemas of the One Hundred Fifty[16] (fathers) by which Macedonius who fought against the Holy Spirit, was anathematized and (also those) of (the synod) of Two Hundred Fifty[17] fathers in which Nestorius was anathematized.

These things have been concluded by our will and through our consent, being in good health and sound mind. And we have written this agreement to the elect of God, Mār Sargīs, Chrisṭophoros, our metropolitan.

We have also ascertained from him that he will not be attracted by any human[18] thought and fervor to diminish any of the canons that we approved for his episcopate whether by reason of a relationship with certain people or by submitting to the will of the Ḥarranite, our enemy. But he shall be the chief of his flocks according to the order[19] of Moses, and of Aaron, Joshua, Simon Peter, and the rest of the apostles.

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[13] Or: excommunication.

[14] I.e. Denḥā.

[15] See vol. I, page 95ff.

[16] The Synod of Constantinople.

[17] The Synod of Ephesus.

[18] Lit. carnal.

He and all of us are bound to these excommunications and nothing will separate us one from another, neither sword nor fire nor suffering nor prisons nor any creature nor a new invention of tortures[20]. We all shall accept the honored ones of the monastery and its flocks and shall not diminish it.

Furthermore, we have determined that the Metropolitan Christọphoros shall deliver (the episcopate) during his lifetime to a person[21] who pleases God and the diocese[22], especially the abbot of this monastery, the bishops and the venerable monks.

We are begging him to accomplish these things without deficiency before the dreadful throne[23] of Christ.

We also have determined by the same anathemas which we have mentioned that it is not permitted to any of the Tagritians with us, or to any other, to claim the inheritance of this principality * except * p. 201 a person of whom it is testified as to his virtue and knowledge as even more superior than that of the monks, his companions in this monastery. He shall be ordained whoever he is.

These things have been written by the agreement of us all in the year 303 of the Arabs on the twenty-second day of 'Ādar[24].

I, Christọphoros, the feeble, metropolitan of the monastery, of Nīneuē, Mōṣul, the town of God and Christ-loving, and Maphrian, I accepted and approve all these things that no other monastery nor those under this jurisdiction shall come under the see of Tagrīt, but we shall consecrate a bishop ... [25].[26]

[The end of the original manuscript.]

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[19] τάξις.

[20] Cf. Rom. VIII, 35, 38f.

[21] πρόσωπον.

[22] Or: diocese.

[23] βῆμα.

[24] I.e. March 22, 914.

[25] Here the text breaks off; this is the end of the original text of the manuscript.

[26] The same text appears in Ms. Mardin Orth. 323, fol. 61a-63b.

[XC]

[ABOUT MĀR JŌḤANNĀN OF MARDĒ]

Upon the trust and succor that is from God we begin to write a record of the story of Mār Jōḥannān, the glorious, venerable, holy one of the priestly monastery of the holy Mār Ḥanānyā[1], the first bishop of the monastery. Again, (it was) this Mār Jōḥannān who in great diligence renewed the monastery of Mār Ḥanānyā. His prayer be with us. Amen.

This excellent and glorious Jōḥannān[2] lived seventy-seven years and directed the episcopacy[3] for thirty-eight years, and he died and departed to his Lord in 1476 according to the Greeks, on the twelfth day in the month of Tammūz, on Monday, at four o'clock * p. 202 of the day[4]. He was buried * in his holy monastery in the *bēt qadīšē*[5] within the vault. He ordained priests and deacons, seven hundred in number. And this Mār Jōḥannān was the holy metropolitan of the town of Mardē and Dārā, Ḥabūrā, Kephartūtā, Telbešmī and the rest of the villages which are in the land and district of Mardē. Indeed, this holy one was just and great, a teacher and a wise man. He, indeed, was bright in every occupation of the world[6], understanding and merciful[7]. In him all the virtues were comprised. Concerning him the word which the Lord said was fulfilled: "There has risen no one like him"[8] in the church[9]. He was a saintly man in whom all the needs were existing, whether those which are of the spirit or those which are of the body. He enlivened our faith which had completely died. He raised our paternal Syriac speech and language—which was obsolete during his time—from its deadness to life and he enlivened it in schools and in the teaching which he established, besides (other things). He then built monasteries which had been ruined two hundred or three hundred years ago and more. And no one knew any more even the names of the monasteries at all.

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[1] The monastery is better known as دير زعفران, Deir Za'farān in Syriac ܕܝܪܐ ܕܟܘܪܟܡܐ.

[2] With regard to the sources about Jōḥannān, Mīka'ēl Rabā, who was a contemporary of Jōḥannān, is most valuable in his account which he included into his annalistic work, *Chronique* IV, p. 630f., 633. What Bar 'Ebrāyā offers about Jōḥannān, *Chronicon eccl.*, II, col. 499ff., demands circumspection. It is a matter of deep regret that in the anonymous chronicle, *Chronicon ad ann. 1234*, II, p. 306, there is a great gap. Discovery of a new source about such an important person and moreover from the pen of a great author. Mīka'ēl Rabā himself, the oldest being in Ms. Dam. Patr. 12/15, fol. 479a-481b, is most welcome since we cannot expect a better reporter about him. Others are: Ms. Mardin Orth. 176 and Ms. 144. Cf. VÖÖBUS, "Entdeckung des Panegyrikus über Jōḥannān von Mardē".

[3] Mīka'ēl reports that he was consecrated by Patriarch Athanasios Abū 'l-Farāğ in 1436 A.Gr., i.e. 1124/5, *Chronique* IV, p. 630. Chronological considerations indicate that he had long since passed the border between youth and manhood.

[4] He was enabled to continue in the episcopacy for nearly 40 years. He died when in full harness.

[5] ܒܝܬ ܩܕܝܫܐ the house of the saints.

[6] Jōḥannān must have been a man of extraordinary gifts and faculties. He had a firm grasp of practical matters and his activities extended to the economic area as well. Also among the civil authorities he secured his place of honor and esteem, MĪKA'ĒL, *Chronique* IV, p. 630.

He built five churches in stone and lime, great and beautiful. The (first) one Dūnīsār, called the new church. The other church in Telqabab. The other one in the village of Mašqūq. The other one in the village of Šaʿbā. (And the fifth one) in Tel Besmai, the church of the Forty Martyrs.

Then (he built) small churches, twenty-four: the one in the village of Qelūq[10], in the village of 'Aḥmedi, in the village of Bēt Nūrks[11], in the village of Benebil, in Qāṣarā, below the (Monastery of) Mār Ḥanānyā. Then the Monastery of the Prophet Elijah in the village of Maḥphē[12], and the church that is in the village of Qāṣūr, in Tel 'Aūlīn[13], and the church in Mauzlatā de-Ba'd[14]. (Then) in the village of 'Abrahīmeh, and the church in ʿEmerah[15] and Bēt Qet'rā, and in Bagdīšīh[16], in Šandarieh[17], and in the village of Daʿemi[18]. * p. 203 (Then) the West Būgadīš[19] which is near * the village of Mašqūq, and in the village of Bēt Qūgaq[20], in the village of Dīma'ti, and in the village of Hellīh, and in the village of Bka'a[21], in the village of Ḥaršfieh[22], and in the village of Qawīm, and in the village of Giūmanē[23], and that in Gāʿferīh[24], below the town of Dārā.

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[7] Tradition has retained one episode speaking of the warmth of his charity: after the conquest and pillage of ʿŪrhāi by Zengui, who brought inhabitants into slavery, he organized an action to redeem the fellow Christians from slavery, MIKA'ĒL, *Chronique* IV, p. 630.

[8] Cf. Matth. XI, 11.

[9] The results of his activities speak for themselves — a large scale work of restoration of debris, rubble and ruins. These notes about his accomplishments, regardless of their tersity unequivocally make clear the extent of his undertaking. On the basis of these facts we have to conclude that new life sprang up as if at the wave of a wand, for all these churches, chapels, monasteries were erected for the communities which he gathered together. Thus all that the sources have preserved, testifies to the fact that with the work of Jōḥannān a new wind of enlivening effects began to sweep through the eparchy of Mardē. One senses through the sources that it was felt to be an experience like the arrival of springtime.

[10] The names of the places mostly are not vocalized.

[11] Nūrqos in *Bibliotheca orient.*, p. 228.

[12] Leḥpā *ibid.*, p. 228.

[13] Tell Ḥarzam, *ibid.*, p. 228.

[14] So vocalized; Mazra'tā, *ibid.*, p. 228.

[15] So vocalized; ʿAma'reh, *ibid.*, p. 228.

The new monasteries, however, which he built and renewed (are as follows): the Monastery of Mār Dani'ēl[25], which is called Galaš[26] in the mountain of Berʿīh and which is near Līsōn, the Ṭūr Qarīrā. The Monastery of Mār Dimeṭ[27], below the castle of Ḥūrū ʿAbar[28], which is called the New[29] Monastery. The Monastery of Mār Gīwargīs[30], below the village of Šaʿbā. The (Monastery) of Mār Barṣaumā[31], the bishop, which is near the village of Ḥašri and towards the village of Būgdasīh. The Monastery of Mār Stephanos, which is Mār Būkrā[32] that is near the village of Rīšmīl and the village of Benebīl. And (the Monastery of) Mār Theodōṭā[33], which is near the Ḥesnā of Ṣūrā.

(Then) the monasteries which he renewed—no monk was found in them at all: the monastery of Mār Ḥanānyā, and Mār 'Abai[34], near Ṣūr Ḥesnā. And the great monastery of Mār Athanasios[35], the bishop and patriarch, which was (very) large and famous, and three churches were built there. And the Monastery of the Šemīṭie[36] or of Ḥefiayē[37], i.e., Ḥefa'i which is by the side of the village of Telbesmi. These are the four monasteries which were in the diocese of Mār Jōḥannān the holy metropolitan of the town of Mardē whose renewal and restoration (he accomplished)[38].

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[16] So vocalized.

[17] So vocalized.

[18] Deʿa'mī, *ibid.*, p. 228.

[19] So vocalized; Būgdīš, *ibid.*, p. 228.

[20] So vocalized.

[21] Or: Ka'r?

[22] Partly vocalized, namely with the Pthāḥā.

[23] So vocalized; Geūmyē, *ibid.*, p. 228.

[24] So vocalized; Gaʿapārīh, *ibid.*, p. 228.

[25] A monastery which was much celebrated.

[26] 'Agleš, *ibid.*, p. 228.

[27] Also a monastery with reputation.

[28] Two locations Ḥūrū and ʿAbar, *ibid.*, p. 228.

[29] Ḥadtā.

[30] A monastery with renown.

[31] Another celebrated monastery.

[32] Būkrē, *ibid.*, p. 228.

[33] Dedicated to this celebrated bishop and ascetic, see Vööbus, "Découverte de la biographie de Théodote", p. 39ff.

[34] This monastery was in a special relationship with the Monastery of Mār Ḥanānyā, see page 243f.

[35] This was a very important monastic center.

[36] Nothing is known about its origin.

He himself speaks about his noble self in a (very) humble way: "As my wretchedness dwelt in the habit[39] of monasticism[40] in the holy mountain of the town of 'Ūrhāi where my parents spiritually and carnally begot me and raised me up. Afterwards I set off from there and came to the East, that is to say, to the country of this town of Mardē—I the humble self named Jōḥannān. Then I saw this * famous * p. 204 and holy monastery, the monastery of Mār Ḥanānyā, which was emulous in previous time not only by the decorations of all kinds or by the construction in human workmanship of (its) skilled artisans, or by the melted nature with rays of light (reflecting) from gold and valuable and precious stones, according to that which the (sacred) book tells us regarding the temple which the king Solomon built[41]. He attested that when he says: "I saw that everything under the heaven and the sun is vanity; everything is vanity of vanities"[42]. Excepted is solely the firm building—the one who is made firm and comes to maturity in the holy manner of life that is from the creation of the divine commandments. These persons become temples to God, in them He dwells and stays forever, as our Lifegiver Jesus Christ has said: "If a man loves me, he keeps my commandments, and my Father will love him, and we will come to him and make (our home) with him"[43]. For the prophet had said to the carnal people, those who were proud of the temple: "Why do you say temple, temple? I—the heaven is my span and the earth is my handful, and the seas are the hollow of my hand. What is the house which you would build for me? I do not dwell in human handiwork"[44].

Afterwards[45] when these temples (were built) in the monasteries after they had been renewed by me, Jōḥannān[46] the bishop, we were mindful of that which is said: "You will know them by their fruits"[47].

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[37] ܚܦܝܐ means barefeet.

[38] About the restoration of the Monastery of Mār Ḥanānyā, see also Ms. Šarfeh Patr. 38, fol. 180a-181a; Ms. Šarfeh Patr. 252, fol. 18b-19b.

[39] σχῆμα.

[40] ܕܝܪܝܘܬܐ.

[41] Cf. I Kings V, 1ff.

[42] Eccl. I, 2.

[43] John XIV, 23.

[44] Isa. LXVI, 1.

[45] εἶτα.

[46] The text reads here Ḫanānyā.

[47] Matth. VII, 16.

And who are these? I, however, say to you: the skilful teachers and the faithful interpreters, those whom the East and West declare righteous regarding the exactness of the word of the interpretation of the orthodox doctrine[48]. These famous (teachers) are: Mār Mōšē bar Kēphā[49], Mār Iwannīs[50], the bishop of the town of Dārā. In this monastery they dwelt and were raised up and they have been enlightened through the books by study among these saints who were living here at that time. But why do we remember these? In order to show from what a height like this to what a depth and fall[51] this holy monastery has gone down—how instead of the bodily[52] angels, that is to say, the divine teachers and the holy ascetics[53] and monks the monastery was full of Arabs, Kurds, the lads, laymen, women, * p. 205 boys * and girls. A great sorrow was in my heart when I saw them in it. But there was no possibility[54] that the place could be cleansed from these blind and mixed people, because in all the Orient, that is to say, the "Mountain of the Servants", namely in Ṭūr ʿAbdīn and in the diocese of Mardē there was not a single monk—it was not even known what monks were like.

"I, however, myself wretched, when I was with my holy parents, those who have begotten me and raised me up, I was busy and thinking about myself—to have a pursuit[55] and to assume and try to be in silence and to accomplish my feeble life lonely and in silence. There, however, came suddenly on me an impulse[56] without (my own) will. Indeed, I am ashamed to mention or to assume a name which is perhaps an ignominy to those to whom I am a (spiritual) father and a bishop—to accept the pursuit[57] of apostles (like) Peter and John. From that time on I was coerced in whatever way by the holy brothers, those who were with me and the learned ones who supposed with regard to me the suspicion of untruth. The affair turned out as they showes. They had the opinion that they would gain in me, but their expectation was an inversion. It was right that they[58] went down into my abyss and it is nice to say that they did not go up. These (things), however, were (done) according to the will of God".

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[48] δόγματα.

[49] d. 903 A.D.

[50] He florished in the first part of the 9th cent.

[51] Or: humiliation.

[52] Lit. fleshly.

[53] ܚܒܝܫ̈ܐ.

[54] Lit. place.

[55] Or: practice.

[56] Lit. action.

[57] Or: practice.

[58] His aspirations? The text is not clear at all.

I have become so to speak a bishop in name (and) an inheritor of Mār Ḥanānyā of the holy monastery which is famous in all the entire land. Then I, the wretched one, was doubled in the sadness and sorrow which had been added[59] to the monasteries and churches which were ruined and had become desolate of monkly dwellers. Therefore it was my prayer and my request to see in this holy monastery about twenty monks before I depart from this temporary life. God, however, heard my prayer through His grace—there were in the monastery about sixty monks during my lifetime. And other monasteries also were renewed in this diocese, or rather (many other) monasteries were built and steadily erected, as I, the wretched one, possessed only the will and desire to do this, but God according to His everlasting mercy helped that they came (into existence).

* (Here they are): the monastery of the brilliant Mār ʼAbai. The Monastery of Theodōṭā[60]: it is called the monastery of the village of Qillet[61] which is in Ṣūr Ḥesnā. Another large and famous monastery is by the side of Ḥūrūʿabar[62], in the place which is called Bēt Ṭabītā[63]; it is in the valley of Bēt ʿArqā[64], to the east of Ḥūrūʿabar. There are holy monks in it, those who with their labor and care built the wall of the monastery, the temple, the *bēt qadīšē*[65] and the cells[66]. Again another monastery which is in the valley of the village of Šabā[67], in the west of it, the village in the place which was called Bēt ʼEssē[68], and this was built in the name of Mār Gīwargīs[69], the glorious martyr. The monastery, however, of Bēt Ṭabītā which we mentioned above, was built in the name of the Virgin Mary and in the name of the Holy Mār Dimeṭ. However, the famous monastery of the Patriarch Athanasios who is called Sandālē[70]—is near the village of Tellā de-Besmē[71]. When I, the wretched one, saw the Kurds wintering in the monastery, we took up the monastery and we built it over the rock which is in the middle of the monastery and we made cells[72] above it. Again another monastery of the glorious * p. 206

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[59] Or: increased.

[60] See note 33.

[61] So vocalized; Qelat, *Bibliotheca orient.* II, p. 221.

[62] Ḥūr ʿEbar, *ibid.*, p. 221.

[63] So vocalized.

[64] So vocalized.

[65] ܒܝܬ ܩܕܝ̈ܫܐ the house of the saints.

[66] κέλλα.

[67] Šaʿbā, *Bibliotheca orient.* II, p. 221.

[68] So vocalized.

[69] The cult of this saint was very popular.

[70] σάνδαλον.

[71] Tell Besme has been identified with Bismedeon which appears in Procopius, *De aedificiis* II, 6, p. 65; cf. DUSSAUD, *Topographie historique*, p. 491.

[72] κέλλα.

Mār Dani’ēl[73] which is above the Ḥesnā of Berʿeih. Another monastery which is on the river of Kabūr[74], which is Ḥabūrā, by the side of the village of Ṭa’bān, and the village of Sīḥemīh[75] on the river of Ḥabūr, with (some) other monasteries which are by the side of the town of Mardīn. Again another monastery is of Mār Būkrā[76], which is the holy Mār Stephanos, the firstborn of the martyrs and the first of the deacons, which is by the side of the village of Benebīl and the village of Rīšmāl[77]. Another monastery is of Mār Barṣaumā[78], the bishop and martyr, which was ruined to the (very) ground, is by the side of the two villages, Telqabab[79] and Būgadšīh[80].

* p. 207 * May God through his mercies and through the supplication of the saints from their resting places in these monasteries, which this Mār Jōḥannān has renewed, keep also their dwellers who are in them and the place without disturbance forever.

The reason, however, why this Mār Jōḥannān has remembered the names of the monasteries which he built, is that they would be kept[81] for the future because these monasteries might become desolate through some changes or emptied (of their inhabitants) so that it will be not known by whom they were built and renewed and on the name of which saint, as had happened (also) to this holy monastery of Mār Ḥanānyā[82]. For we could never find out when, how, and by whom it was built nor the name of the saint by whose name it was (first) known and proclaimed before Bishop Ḥanānyā—as this has happened to many monasteries whose stories of the saints on whose names they were built (have been lost). As (for example) that of the holy and famous Mār Behnām[83], who now in our days is doing miracles and mighty works (just) as in the time of the apostles, to all those who come to him in faith. There is no story at all about him except only that which is told in oral tradition—and one as it pleases him can tell it in an elaborate[84] or in a concise (way). So this is the reason why we remembered these monasteries, the origin of their building and the names of the saints who built on the resting places of the saints, (although), indeed, it would be proper that there ought to be a special story for each monastery.

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[73] See note 25.

[74] Kebar, *Bibliotheca orient*, II, p. 222.

[75] Seḥimeih, *ibid.*, p. 222.

[76] The word means firstborn.

[77] So vocalized; Rāšāmīl, *ibid.*, p. 222.

[78] See note 30.

[79] Telqāba’b, *ibid.*, p. 222.

[80] Begadšeih, *ibid.*, p. 222.

[81] Lit. shown.

[82] About the restoration of the Monastery of Mār Ḥanānyā by Mār Ḥanānyā, see Ms. Šarfeh Patr. 38, fol. 180a-181a; Ms. Šarfeh Patr. 252, fol. 18b-19b; cf. *Vie de Mar Benjamin*, p. 91f.

[83] A famous monastery near Mosul.

As we mentioned a moment ago, it was not Mār Ḥanānyā that built this monastery of Mār Ḥanānyā but he renewed it after it was desolate of the first dwellers during (the time) of the Romans. Before the Arabs came to these lands the first dwellers left it and fled before the ravage and the wrath of the Arabs. (Then) Mār Ḥanānyā came and dwelt in the East and immediately he settled down in the monastery of Kenūšyā[85], which is known near Qalliniqos which is the town of Marʿaš[86]. From here * the holy Mār Qyriaqos[87], the patriarch, called him and ordained him bishop for Mardīn, Kephartūtā and the rest of the locations. * p. 208

However, Mār Jōḥannān, the hero[88] of this story, carefully fixed, restored[89] and bound many volumes of books (left) by the captives. They were scattered and mutilated a long time ago[90]. By his care he wrote four amazing exemplars in golden ink and with various colors in miniatures, and (also) all kinds[91] of copies of the Gospels[92] and Greek lectionaries[93] for the annual succession (of ecclesiastical) readings, in gold and silver. One exemplar of the Gospel[94] is in this holy monastery of Mār Ḥanānyā[95]. He expressed great care, diligence and pains for churches, (their) properties and substantial[96] legacies which are useful for the churches and monasteries, as (cultic) bowls, cups, censers[97], crosses, fans (made) of gold or silver. He bequeathed them to the churches together with chairs, chests[98], curtains[99], anaphoras[100], etc. And in his diligence he sent (someone) to Alexandria and bought through his friends the merchants, two (cultic) bowls[101], a receptacle[102] for the consecration of the divine myron, three cups of silver, five pieces of admirable, (very) beautiful and expensive vessels—pieces which like these cannot be found except only in the treasuries of kings.

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[84] Lit. addition, increase.

[85] ܟܢܘܫܝܐ; the term means community.

[86] Here Raqqā is written above the line.

[87] About this Qyriaqos, see page 7ff.

[88] Lit. master.

[89] Lit. united.

[90] Jōḥannān took care also of the creation of original literature. One extensive work because of its subject, dealing with God's providence and alleged promise given to 'Ūrhāi in connection with the story of Abgar, enjoyed a wider circle of attention. This exists only in some quotations, MĪKA'ĒL, *Chronique* IV, p. 633ff. There is a report about a catena commentary on the Old and New Testament, written in 1156 A.D., cf. PARRY, *Six Months in a Syrian Monastery*, p. 83. My search could find no trace of this work. Tradition has kept his remebrance as an author in the genre of liturgical discipline. Ms. Jerusal. Mark 110, written in 1276/7 A.D., contains a cycle of writings about consecration. This is a codex which has remained unknown, see BAUMSTARK, *Geschichte syr. Literatur*, p. 294, 354; also his "Liturgische Handschriften", p. 103ff.

[91] γένος.

[92] εὐαγγέλιον.

[93] What he seems to mean here are the lectionaries in Syriac but patterned according to the Byzantine models; or has he in mind the lectionaries with the Harclean version, very servile to the Greek original and idiom?

[94] εὐαγγέλιον.

However, he blessed the myron[103] thirteen times in (his) monastery. He enriched all the Christians who are in all places (in Mesopotamia).

FROM THE SAME STORY OF MĀR JŌḤANNĀN OF THE MONASTERY OF MĀR ḤANĀNYĀ (TAKEN) FROM ANOTHER MANUSCRIPT[104]

He said: "When we came and arrived at this monastery of Šīrā de-Neṭāphā[105] which is above the Monastery of Mār Ḥanānyā we saw in the monastery of Neṭāphā (traces of) holy anchorites[106], those who were before the ravage in this place. We took care, and we gathered many monks and we renewed in it a large community of monks, of excellent men. We set up for them ecclesiastical and spiritual laws[107], orders[108] and canons[109] which adorn all spiritual virtues.

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[95] A very precious sample has survived which belongs to the genre of liturgical homiliaries. Ms. Dam. Patr. 12/15 is a collection of literary treasures containing the *mēmrē* of Ja'qōb of Serūg and other texts. This luxury edition on parchment in its colophon states that this gigantic collection was arranged by the care of Jōḥannān of Mardē. Cf. VÖÖBUS, *Handschriftliche Überlieferung der Mēmrē-Dichtung des Ja'qōb of Serūg* I, p. 144.

[96] Lit. great, large.

[97] πύρωμα.

[98] κίβωτος.

[99] βῆλον, velum.

[100] ἀναφορά.

[101] φιάλη.

[102] ξέστης.

[103] μύρον.

[104] The autobiographical notes and comments which he himself included into marginal notes and notations in the colophons of manuscripts have been collected by anonymous hands and have been expanded. Two such texts have been known. One in Ms. Vat. Syr. 96, fol. 32b-36b was written about 1352 A.D.; the other is in Ms. Vat. Syr. 37, fol. 153a-156a, written 1627 A.D., edited by Assemani in *Bibliotheca orient.* II, p. 217ff.

[105] In Syriac ܕܢܛܘܦܐ i.e. drop, in Arabic دير القطرة Deir al-qatareh.

[106] ܝܚܝ̈ܕܝܐ.

[107] νόμος.

[108] τάξις.

[109] κανών.

* FROM ANOTHER MANUSCRIPT ABOUT MĀR ḤANĀNYĀ THE FIRST BISHOP OF THIS MONASTERY *

p. 209

In the story of Mār Jōḥannān the latter, it is written thus: "A moment ago we said concerning this monastery of Mār Ḥanānyā that he did not build it but he renewed it after it was desolate of the first inhabitants since the times of the Romans".

Ḥanānyā was in the East and dwelt in the monastery of Kenūšyā which is near Qalliniqos, that is the town of Raqqā. From there the patriarch called him and ordained him a bishop for Mardīn and Kephartūtā in the year 1104 according to the Greek reckoning[110]. And when the said Ḥanānyā came and saw this monastery which is called the monastery of Neṭāphā of the holy anchorites[111] he caused it to be inhabited (again). He took care, rebuilt and renewed it. Then he settled in it monks-ascetics[112], a large community of excellent and divine men. He set up for them ecclesiastical, patristic laws[113], orders[114] and canons[115]. He also adorned it and decorated it with all (divine) virtues. He lived in the community[116] twenty-three years and he departed to his Lord[117].

After him in the diocese there was his disciple Ignaṭiōs[118], bishop for the town of Mardīn and Kephartūtā—again by the patriarch Mār Qyriaqos. Through the love, unity, peace and tranquility (which prevailed) at that time and through the love of the holy monks at that time, and through great peace and prosperity they decorated the temples and cells[119] with all (divine) virtues. They collected and established in this holy place sacred books of various kinds and amassed them in the treasury house[120] of this monastery of Mār Ḥanānyā.

Then after these (events) which we (just) said, by way of a hint from the Creator, even by the change of the kingdoms of the Arabs—one after the other, or by different kinds of doings of our follies and of our first deed[121]—these places were ravaged, those famous towns,

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[110] Cf. MĪKA'ĒL, *Chronique* IV, p. 488 f., cf. p. 753.

[111] ܚܒܝܫ̈ܐ

[112] ܕܝܪ̈ܝܐ ܚܒܘ̈ܫܐ.

[113] νόμος.

[114] τάξις.

[115] κανών.

[116] Or: diocese.

[117] Cf. MĪKA'ĒL, *Chronique* IV, p. 488.

[118] Cf. *ibid.*, p. 754.

[119] κέλλα.

[120] ܒܝܬ ܓܙܐ

[121] Lit. labors.

Rēšʿainā, Dārā, Kephartūtā, Mardīn, and all the monasteries of these places together with these towns—were ravaged and desolated of monks entirely and tracelessly[122]. Therefore, o monks, pledge prayers continuously that the devastation of the monasteries may be * p. 210 removed * (and they would be as) before. In short, God who humbles[123], (at the same time) wills that all the creatures and created beings (would be) for (His) service (and He wants) the arms of one set apart for a special work as this diligent servant was, this valiant worker in the spiritual vineyard of Christ, that is to say, the church of God, our blessed diocese in this dark[124] period. God prepared this blessed father and holy bishop who by his paternal and carnal[125] origin is from the enviable 'Ūrhāi, the mother of the nation of the Syrians, and who is the author of these canons for the priestly monastery of Mār Ḥanānyā, the first bishop of this monastery, as he tells (us about himself).

When by the grace of God this holy father, the said Mār Jōḥannān came from the holy mountain of 'Ūrhāi to this place[126], he saw this monastery of Mār Ḥanānyā that the Kurds were wintering in it for lack of the dwellers, (namely) the monks. In the entire land not even a single monk from our Syrian nation (was to be found) in one of its monasteries. As it is shown in the story of this Mār Jōḥannān 'Ūrhāyā, the bishop of our monastery of Mār Ḥanānyā, he renewed the monastery by his care. He multiplied for it large endowments, fields, gardens, orchards, mills[127], shops, and many houses in Mardīn, this our town. And all the books which are in this monastery, new and old, the holy one himself brought them from the mountain of 'Ūrhāi. And (also) the (liturgical) veils[128] for its temples and for all monasteries in this land. And he renewed them through his care again. He restored the language which had disappeared completely, the reading and the tongue of the sacerdotal books, our Syriac (idiom) in this land. He renewed up to the number of fifty churches and monasteries as this story demonstrates[129].

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[122] Lit. from place.

[123] Lit. thinks lightly.

[124] Lit. evening.

[125] Lit. bodily.

[126] This case reflects interesting relations between 'Ūrhāi and Mardē, for Jōḥannān's predecessor Basilios, named Bar ʿAbbās, also came from 'Ūrhāi, and after his resignation returned to 'Ūrhāi in order to resume his former life in monasticism there, MIKA'ĒL, *Chronique* IV, p. 630.

[127] About a detailed account of the mills, see *Bibliotheca orient.* II, p. 226.

[128] The term used here is ܬܠܒܫ̈ܬܐ.

[129] The same text appears in Ms. Mardin Orth. 323, fol. 65a-70a.

[XCI]

* THE CANONS OF THE MONASTERY OF MĀR ḤANĀNYĀ

* p. 211

PREFACE

The preface, by the same venerable one, which he wrote at the head of the canons[1] which he set up for the monastery of Mār Ḥanānyā[2].

Because every craft[3] in this transitory world has its own standard and something of its own, and because some cause is necessary and every pronouncement must be reasonable[4], therefore it is necessary[5] that we demonstrate the character and plain sense about that which we speak, even if it should not be ponderous. So it is right that we shall make a beginning of our demonstration for the sons of the holy church who are present (and) to those that will come after this, our transitory, generation, our instruction[6] on the said monastery.

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[1] Through the activities of Jōḥannān of Mardē the Monastery of Ḥanāyā was resuscitated from its ruins. Tradition has not kept the memory of the chronological side of this event. Since Jōḥannān began his episcopal activities in 1124/5 A.D. 4 decades stand open for consideration. However, since Jōḥannān himself says that he began his restoration work of the monasteries with the Monastery of Ḥanānyā (see page 215) we have an indication as to that this event must have taken place in the first part of his episcopacy if not at the very beginning of it. His undertaking must have been vigorous from the very beginning, and his fostering care continuous in developing the new establishment in laying a material foundation for its existence, in furnishing it with all the necessities for cultic and religious life and in creating facilities for spiritual and intellectual life. The fact that he founded here a library deserves a special mentioning. — This monastery was not only one of the most important monastic centers in Ṭūr ʿAbdīn but has occupied a very important role in the entire history of the West Syrian Christianity. Since 1166 until the time after World War I the Monastery of Mār Ḥanānyā was the residence of the patriarch. The monastery is better known as دير زعفران Deir Zaʿfarān, in Syriac ܕܝܪܐ ܕܟܘܪܟܡܐ the "Saffran" Monastery.

[2] Regarding the prehistory of the monastery the tradition has been divided. There are texts which claim that the monastery had a longer history before Ḥanānyā established it, and that it existed under the name of Šelēmōn, *La vie de Benjamin*, p. 91. Cf. Ms. Zaʿfarān 3/9, fol. 195bff. According to another tradition the place was previously an ancient and abandoned Roman fort which Ḥanānyā bought in order to build there a monastery. Mīka'ēl has included an excerpt of a lost annalistic work by Īšōʿdenah, *Chronique* IV, p. 489, salvaging a section from a lost work, a merit which is the more important since in another work on the founders of the monasteries by the same Īšōʿdenah, *Le livre de la chasteté*, p. 1ff., he does not include these data.

[3] Ḥanānyā who came from the Monastery of Mār Aphṭōnyā in Qalliniqos and was consecrated into episcopacy by Patriarch Qyriaqos at the beginning of his pontificate in 793, MĪKA'ĒL, *Chronique* IV, p. 488, as bishop of Mardē and Kephartūtā, in the sources appears as a man who had fostering of monasticism on his heart. The monastery which he established was east of Mardē, but the date is unknown. The year 811 which has been brought forward, ARMALET, *Couvents de Mardin*, p. 763, cannot be warranted since it is in conflict with other historical data.

Ḥanānyā must have vigorously undertaken his task since soon the new monastery was furnished not only with buildings, gardens, orchards but also with three churches.

(To) all you blessed children who will come across this our writing and will need the message[7] which we are marking (here) by our hand and make known to you. When we came from our former country of 'Ūrhāi to this diocese[8], we found that not in one of the monasteries of this land was there any monk at all of our people of the Jacobites, none at all, except for a few isolated ones who were found, one or two at a place with (only) a pretended name and not knowing how to wear a hood[9], nor the dress[10] of the monks on them, entirely. And all monasteries of this land had a long time since been devastated and desolate. And there were (places) where the Kurds or lay people were in the monasteries as I found also at this monastery which was built under the name of Mār Ḥanānyā. And also there was often little left of the building of the monastery and of the wall and its church. Most of the buildings had been ruined a long time since.

But God did help and we restablished all of them as they were before with buildings and with occupants (just) as before. And to say
* p. 212 it * all in one (word): teaching could not be found at all in this land (and) nothing of our own Syriac Jacobite manner of speech. You, o spiritual sons, who have lived in this land before us, are acquainted with this.

But then how did we arrive at this great and superb privilege[11]? It is not that we first rose to it by first ourselves being purified to such

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Cf. PREUSSER, *Nordmesopotanische Baudenkmäler* I, p. 49; BELL, *Amida*, p. 225ff., and an outstanding library. When Īšō'denaḥ composed his abovementioned annalistic work in the middle of the 9th cent., the life in the monastery was still flourishing. We have evidence as to that about the year 1000 A.D. it enjoyed its reputation and fame, ŠABUŠTI, *Das Klosterbuch*, p. 13f., if the name Zaʿfarān refers to our monastery and not to another one, cf. HOFFMANN, *Auszüge*, p. 167ff. It is not known when and how the monastery was destroyed.

[4] Lit. cause.

[5] ἀνάγκη.

[6] Lit. word.

[7] Lit. sign, description.

[8] ܡܪܥܝܬܐ.

[9] ܟܘܣܝܬܐ

[10] σχῆμα.

[11] Lit. order, rank.

a degree that were worthy to purify others; neither were we so enlightened so that we could enlighten those who asked us; neither were we of such a perfected genuineness of life which is in Christ nor (such) a new creation to have reached a perfect order—but He descended to us and lifted us up by his adorable evangelical teachings. (He selected me) who even am not worthy to carry the sandals of the venerable saints. I became a servant[12] over this land of Mardīn where its earlier inhabitants, that means the monks, would soon have vanished.

But now they began to go out, one and two, taking the initiative[13], and they came together at these places; and they started to go out and to build for themselves other monasteries besides this monastery. God knows that I had no (personal) desire at all, yet I intended to let the monks have the desire of their heart. For one (thing) whoever builds a monastery for its inhabitants is obligated to preserve it. For another: if I had not given to the monks the commandment for the building of monasteries in these places, then those of other confessions from other Christian nations would have come and taken our places and our monasteries in this land. This matter forced me to issue the commandment to the monks (namely) that any of them who wished to renew an old monastery (could do so).

My desire, however, was that all the monks under my authority[14] should be united in one flock[15] in one place adopting the way of truth as from the beginning, (just) as everyone instructed in the Christian faith accepts the way of truth, while they keep each other and are being kept by Christ who wants all men to live and to come to the knowledge of the truth. But if we did * not wish that which was * p. 21 so very urgent, then we should at least have given assent to the central and general rule of the community of the monastery whereby we become one unity and one soul in dignity, becoming preventatives for evil things (by) a multitude of good things, good fruits of obedience. But there was then nothing which was mandatary for the (common good), for the greater part of the community of a monastery like this. So, on that account I saw the great need, due to the bondage caused by circumstances capable of producing abundant quantities for the belly which (in turn) is the mother of lasciviousness.

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[12] Lit. venerable.

[13] Lit. drew.

[14] Lit. hands.

[15] Or: flock.

There are three perfect and requisite manners[16] necessary for monks.

One, indeed, is that which is common, (namely) that they are in harmony and subject to the one will of their father. They need no material (things), no possessions nor any entangling property. And they must be prepared for obedience as a permanent witness, since they possess nothing for themselves but all that they have must be common according to the apostolic commandments, working with their hands in a life of righteousness, praying appointed and special prayers of the times of the day without ceasing, as excellent, prudent ones, and assiduous and good laborers.

The second thing which a monk must possess in his cell is matting and a book and a pot and a leathern mat to be stretched out under him. He must eat dry bread as is the custom of the Egyptian fathers. And he must labor with his hands and not wander about outside and not (act) according to the desire of himself. Should something be left over him, he must offer it to the needy.

Another order[17], however, is higher than this. It is that which is called anchoretism[18] when a person secludes himself or wanders between the mountains and caverns and cracks and caves of earth, seeing and hearing nothing, not being judged and judging nobody. But if a person wishes to come to that superb road, the road which is very rough, he must at first submit himself for a certain time to general obedience, while for years he must give up any pride, through the obedience, (namely) in the community, humbling himself selflessly[19] to others. And then he may desire the other (road) of perfection * which is the cleansing of (his) thoughts. Otherwise we will resemble blind people who talk about light while not seeing it, or sick people talking about health or anything else.

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But o you my blessed spiritual sons, I saw you in this Egyptian servitude, when each of you was troubling and tormenting himself in order to obtain for himself things in the cell, i.e., of food and ought else, according to your number, each one desiring this and that pot doubled, (taking) from the oven[20], something which was not just a little, that means bread in large amounts[21], lentils, dry pulse, *ṭar-*

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[16] Or: methods.

[17] τάξις.

[18] ܝܚܝܕܘܬܐ

[19] Lit. moderately; the term is used here idiomatically.

[20] Or: kettle, bakehouse.

[21] Lit. sufficient, enough.

kīnē[22], vetches, beans, wheaten flour, rice, other mixings, onions, garlic, cummin, coriander spice, garden-herb, (something) of tht which is dry and of that which is fluid[23]. (All) these also required vessels for their use and fat and oil and honey and thickened juice, cheese, figs, raisins, nuts.

And while one has it, the other has nothing and desires and plans to obtain it. And whensoever he sees his neighbor having plenty then, he feels tormented just like Lazarus vis-à-vis the rich man[24]—but not in such miserable manner as he. (For) he was forced by natural hunger to covet and desire ardently to fill his stomach[25] but he did not want a variety of delicasies as the passion of appetite[26] causes lax people to do. And that one who obtains, does not contribute to his neigbor. And that who has nothing, desires to obtain it in plenty like that other one.

Both of these guilty ones are like those of the parable of the Rich Man. What do we learn afterwards? One makes for himself rich and celebrated friends, fills his chambers with honored people calling them to come to him. And the other who desires empty honor but has nothing must act accordingly, being troubled and plagued by the torment of jealousy and begins to be a slanderer. And what shall we say when he brings out what is stored up in him? Why does he not feed the needy and poor but (rather) acts as a hypocrite? He does not give honor except only to him who brings him something, or sees that he might be recompensed by him. And other things. But both of them fail.

* But he is right who said: “Who are you to pass judgment of the * p. 215
servant who is yours? If he stands, he stands for the master and if he falls he falls for the master. He who judges his brother judges the law”[27]. Again: “Why do they rise early in the morning? Also like that one who has a mistress running to his service?”[28].

Fires[29] start to burn in the cauldron[30] of the monks. Because of trepidation, hastening takes place since the servants are afraid of the sight that it may grow or it may burn up the potter, or because of the abundance of heat and boiling the potter will throw the egg[31]. Therefore, there should be no business and no musing except the occupation of the potter and no doing[32] and no friendship, only (working) at it. (Like)[33] a monk who went to the church with shame or with fear or with periodical[34] depression[35], only the body is standing there, the true man is busy and serving near the soot of the fire place; he is kneeling but does not know, and standing yet he is not there. The service is accumulated up upon him, and he does not know what he shall do. Then he goes out first and runs towards the bitter mistress.

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[22] ܛܪܟܝܢܐ, from the Persian ترخينه, pearl barley.

[23] Lit. wet.

[24] Luke XVI, 19ff.

[25] Lit. species.

[26] Or: lust.

[27] This quotation must have been taken from a patristic work.

[28] It seems that the text is not in order.

[29] The abruptness here indicates that the text is not in good order; the copyist must have skipped a line or two.

[30] Or: fireplace.

All these I have learned through trial[36] and as I hope you also are not unacquainted with them. When I saw this, I became so sad just like a father when he sees his children in bitter bondage. Then I planned to make common (cause with you) although this is hard for me on account of various difficulties.

It is, however, pleasant[37] for me that I shall see you freed from this bitter servitude of Egyptian brick laying[38], so that instead of fifty or sixty pots there will be one big pot and one fire and one table for the community. And that instead of these (doings) there is this labor and the former service which the divine apostles practiced and ordered and after them the honorable fathers. Therefore I took care and arranged that there be this common[39] (order) for the reason that it is obvious that the benefit of it is for all the inhabitants of the monastery.

And having the confidence that I have no impetuosity[40] but am seeking only the benefit (of all), I do say this: I, Jōḥannān, who am old and weak, cursed be anyone who changes the common[41] (order) of this monastery until the end * of times; (also) anyone living with the inhabitants (of the monastery) or any person who after my death causes another one to change it or by acting and managing and planning in some manner invalidates it from the present time until eternity.

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[31] This is how the text reads; the text here must be a corruption.

[32] Lit. work.

[33] Something seems to be missing in the text which is too abrupt.

[34] Lit. fire or furnace of times.

[35] Here a different text appears in Ms. Mardin Orth. 323, fol. 68b: ܘܒܘܐܪܐ ܕܪ̈ܒܢܐ "because of the reproach by the *rabbānē*".

[36] Or: temptation.

[37] Lit. sweet.

[38] Ex. I, 14; V, 7f.16.18f.

[39] Or: this community.

[40] Lit. heat.

[41] Or: the community.

And so that the order[42] of this community[43] and the services of the congregation may not become confused, we are setting up some[44] suitable canons[45] because of those who, by spite, intend to invalidate it.

So in its order it is right for us that there shall be its head, the head for the brethren and the servitude and unity of the members, that there shall be no disturbance which is like a sickness in the bodies. And now, my children, as we are gathered at this holy place and God has provided us with all necessities, it is right for us to be gathered from the wandering of various intentions[47] and let us select and appoint to ourselves a head who is able to direct the ship of our souls. On him is thrown all the care[48] of our definciencies, and we shall be prepared to do anything that he commands and that we do not judge him as long as he is a leader over us.

And the election of such a leader must (be done) thusly: when the entire community is assembled they shall remain together with one another for three days. And while they agree to call one out, then they shall inform their venerable one so that if it is proper that this certain person may become the leader over us, he may then permit us. And if he knows that he is suitable and right he may then permit it to them. And so then with that positive[49] permission and with full[50] agreement[51], they may appoint him (their) leader bringing him before the throne[52] of the great altar.

(Then) they (shall call) on God as witness and on His chosen angels and the twelve thousand saints whose bones are hidden in the monastery, and the venerable prophets and the divine apostles and the orthodox teachers and the holy fathers and the whole *qeyāmā* of the holy church and the entire Old and New Testament[53]. And they shall ask him to profess that if he commits any evil action and (acts) unjustly then all these witnesses shall in truth judge him on (that) day when nothing will profit him but his deeds.

* And if it should happen—may God never let it happen!—and he * p. 217 neglects (his duty) and does not take care of the common business and that of everyone of the holy brethren properly, and if he acts hypocritically and abandons any of these canons[54] which we have

set up, so that he becomes negligent and fruitless, then shall the entire Christianity condemn him on the day of the judgment of decisions, and he will be despoiled, cursed, removed, rejected, and despised by the heavenly church as well also by those of the weaker and lower degree. And there will be no release for his breaking of the canons[55] if he dares to change them[56].

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[42] τάξις.

[43] Or: congregation.

[44] Lit. few.

[45] κανών.

[46] The text is not complete here; there is a small blank spot here.

[47] Or: aspirations.

[48] Or: anxiety.

[49] Lit. powerful, strong.

[50] Lit. forceful.

[51] Lit. will, desire.

[52] θρόνος.

[53] διαθήκη.

[54] κανών.

THE CANONS

The first canon[1]. The *riš dairā*[2] shall be a lover of men, long-suffering, patient; he shall be ready to bear (much); (to show) that he has no fervor of indignation regarding careless brothers; kind to everyone, that he does not retain wrath over anybody; compassionate over the workers of the community and the brother-monks, having no injustice in him. He, however, shall act justly and shall teach (through) example and give a good model to those guided by him, watching and keeping his ship so that it will not be swallowed up by the waves of confusion due to the lack of order[3]. He shall be skilfully versed in the orders of the church and in the import of the apostolic canons so that they shall not be trodden under foot by the brothers.

Just as there must be a balance of elements[4] in a body, so when in the elements there is no super-abundance nor deficiency, then there is in the body the perfect health of the body. Health establishes the body, sickness is superfluidity or deficiency of the physical hyle[5] which generates trouble and this trouble is sickness. Good order[6] as well as the ecclesiastical canon is a preserver of health. So then it is required of the abbot of the monastery to love these canons[7] which have been established by us, the weak ones, for the building up of this ecclesiastical establishment[8], more than his own life, keeping and taking them as his own.

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[55] κανών.

[56] The same text appears in Ms. Mardin Orth. 323, fol. 70a-75a.

[1] This cycle of canons furnishes an extraordinary contribution to the genre of monastic legislature. These canons were given for a monastery which was not only one of the most important ones in the maphrianate but which has played a very important role in the history of the entire West Syrian Christianity. It enriches our knowledge greatly since it unfolds the life which Jōḥannān created in the monasteries which he restored in the diocese of Mardē. In this respect the document is unique. Also owing to its extent, it surpasses every record in this genre, cf. VÖÖBUS, *Syriac and Arabic Documents*. The document emerges entirely unexpectedly since nothing of it has been preserved by the tradition.

[2] Abbot.

[3] τάξις.

[4] στοιχεῖον.

[5] ὕλη.

[6] τάξις.

[7] κανών.

The second canon. However, with the abbot there shall be two other persons or three faithful *parnāsē*[9]—tested monks (to give) assistance to him. Their election shall be (such) * that they shall be * p. 218 with the abbot (just) mentioned. And they shall be his hands and feet and eyes and his tongue. Without them he shall do nothing either little or great. From this it is evident that—although he is the rightful head—he shall do nothing at all without the council of the faithful stewards from the tested monks as has been mentioned. Therefore they shall be servants before him and are to do everything that he orders them except that which they cannot rightly do.

They are to write the entire account of the income and expense for him, thoroughly and carefully, so that there shall be about him no place for a murmuring word from grudging brothers who wish to look for scandal. They shall write down the income in this way: every month so and so, so much through my hand, so and so, we have entered *zūzē*[10] or given out. And another book (must be used) for the expense in the month, so and so in like manner: for so and so something, also through my hand so and so. They shall write on all the affairs of the community and of the church and these shall be handed over.

And no one shall resist the commandment of the abbot. The one who resists when he orders[11] him, if he truly has no cause of necessity[12] of sickness or something else, he shall be separated from the table of the brothers. But these have a share and fellowship with those who are praying. Like that soldier who is mentioned by the ancients, when he heard that war will begin between two sides, he orders himself to be brought in on a bier[13]; when he is to be questioned by the brothers, he is to answer that which is worthy to be written down: if there is victory I have a share in it with you, but if there is defeat[14]—is my ownself better than yours? You, disciple, are a soldier for that one who sees secrets—(therefore) be not slothful and slow.

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[8] Lit. work.

[9] ܦܪܢܣܐ *parnāsē*, stewards, administrators.

[10] ܙܘܙܐ a coin equal to a Greek drachma.

[11] Lit. says.

[12] ἀνάγκη.

[13] This is how the text reads; it seems that something is not in order with the text.

[14] Or: fleeing.

How can you leave your brothers (thus) losing your life? (In this way) your sins will be doubled. But you have to act manfully and confront the sloth and depression—and it will flee speadily from you. He who is not prepared to come to prayer is not allowed by God to eat (anything) except dry bread for two days.

* p. 219 * The third canon. When you pray the prayer of compline[15], you shall do it together with one another with many genuflections[16], i.e., kneelings. You (must) ask forgiveness from one another, as those who do not know when the departure on a bed in the sleep of the night may happen; be prepared—if there may have happened any transgression to any one of you, whether knowingly or unknowingly—so that at (the time of) sunset, the wrath shall also pass away or go down through the rise of love.

Further in this place a proposition of confession shall be put for you. Everyone says to his companions: "Forgive me all in that I have sinned against you either willingly or unwillingly, secretly or openly, the grudge, hatred, evil, covetousness, falsehood, back-biting, every sin". At the end the presbyters, i.e., the priests, shall say: "Christ our Lord shall forgive you according to His firm promise". All shall say: "Amen". Or he who is charged with the conclusion[17] signs them[18]. However, the sacristan[19] should not tarry any more, he shall strike the *nāqōšā*[20] for compline.

The fourth canon. From the *Tešrī ḥrāyā*[21] the lesson shall be portions of the (sacred) books. (There shall be) two selected lections, prophetic and apostolic, administered by groups; that is to say from the consecration of the church until the great Sunday of the Resurrection, reading continually lessons of the Old and New (Testaments) by groups, and on all dominical feasts and the commemoration of the martyrs, etc.

(There is also to be read) the *mēmrē*[22] and *tūrgāmē*[23] of the doctors during the evenings preceding the Sundays.

And on the dominical feasts and in the commemoration of the martyrs there shall be (lessons) once or twice every night.

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[15] Cf. Ps. CX, 1.

[16] μετάνοια.

[17] Or: with the final prayer.

[18] With the sign of the cross.

[19] Derived from κόνχη.

[20] ܢܩܘܫܐ sounding board, gong.

[21] The month of November.

[22] ܡܐܡܪ̈ܐ metrical homilies, discourses.

[23] ܬܘܪ̈ܓܡܐ interpretations, homilies.

And eight psalms, *marmyān*[24], every night until the great feast of the Resurrection according to the order[25] of the tradition in the church of the Syrians in 'Ūrhāi and the West.

Also the stories of the fathers and reading suitable for the life of monasticism, * and those which are known and in every way profitable * p. 220 also for the edification of the community of this divine monastery.

The fifth canon. A fixed daily fasting shall be (established) for this monastery from *Tešrī qadīm*[26] until the great feast of the Resurrection. And it shall be until the ninth hour. In the great fast of the forty (days) until the evening. From the great feast of the Resurrection and later—when there is (the time for) work until the third hour or until the mid-day—and (then) fasting. Those who are continually in the monastery shall fast until the ninth hour.

For a monk, fastings and prayers are provisions for the road of asceticism[27]; these are his constant occupation[28]. When he fasts perfectly and increasingly, he shall also become diligent that he shall fast in his inner self so that his discipleship[29] shall not become waste.

The sixth canon. The sacristan[30] shall instruct[31] the presbyters that they set up the (liturgical) *sedrā*[32] and offer the sacrifices or to pray or read the *mēmrē*[33] and *tūrgāmē*[34], etc. And he shall make them known for the offering from the morning of the day.

The seventh canon. The fixed and determined fasts from the *ṭūrāšā*[35] after the great fast of the forty days are: The fast of the apostles after the Sunday of the Pentecost[36], for fifty days. The fast of the Assumption of the Godbearer in the beginning of 'Āb[37], fifteen days. The fast of the Cross, eight days. The fast of the adorable nativity, forty days. The fast of Niniveh, five days.

(All) these are for the monks, the presbyters, the deacons and the believers.

Monks shall not make for themselves food and drink on Sunday and on the feasts, finishing the fast of the apostles as is the negligent

[24] ܡܪܡܝܢ subdivisions of the Psalter.

[25] τάξις.

[26] The month of October.

[27] ܚܐܪܘܬܐ.

[28] Or: service.

[29] Or: instruction.

[30] κόνχη.

[31] Lit. command.

[32] ܣܕܪܐ order, liturgical chants, prayers.

[33] ܡܐܡܪܐ metrical homilies.

[34] ܬܘܪܓܡܐ interpretations, homilies.

[35] ܛܘܪܫܐ food which was forbidden during a fast.

[36] πεντεκοστή.

[37] The month of August.

custom for a few who break the (rule on) *ṭūrāšā*[38] on Saturday and Sunday, the holy fast of the apostles which is after the Pentecost[39].

* p. 221 * The eighth canon. Those who are in Christ are a new creature[40] so that they shall not be (like those) who are separate from each other, as we have said, like the worldly people (who have) companions (who are) strangers and neighbors (as) aliens, but that all of you shall equally be in the manner of the inner part of the body, so that each member has his especial service[41].

One, indeed, is the head in which the mind dwells as a king and through everything directs the entire body; also there is the eye seeing for the entire body, and there is the hand doing service for all (the body); another (member) is the ear, another the foot, carrying the whole (body). The apostle says at length (about) all these, these which are necessary for us in order that some people should not be prepared for a quarrel against the one who stands in the head, whether the abbot or the chief[42] of the brothers or the stewards[43], and that men shall not so align themselves to one another and say: we do not do this or that (and) in order that they do not become guilty with one another.

We say: not (at all) but that love shall be poured out on every man. If one loves the one who obeys him but constrains the community, this is not love but a pain (of passion) from which in due season confusion in the community will be begotten. He, however, who is in subjection to the community—(through him) the quarrel has no power to become (a matter) of opposition to the canon of the community. If anybody is not so, he becomes a destroyer of peace and of the rule[44] of the community. Either (let such a one) desist or depart away (wherever) he wants, expelling himself from the body of Christ —through the arrogance of wanting to set up a faction. Christ, however, gives the beatitude to the humble ones[45].

All together we decree that no one shall be responsible[46] for everyone but only for himself and may intercede[47] (for others) humbly in gentleness.

The ninth canon. If one shall make for himself garden plots[48] for sowing or another pursuit[49], his necessities are to be supplied from the community, i.e., moderate clothing, sandals or food. But when a person has a vineyard or something else and does not wish to enjoy with pleasure the sweetness of freedom, free from care, this one * shall give it over to the laborers and from that which remains from it, he shall manage with the fear of God, selling what comes from the wine press as before. * p. 222

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[38] ܛܘܪܫܐ food which was forbidden during a fast.

[39] πεντεκοστή.

[40] II Cor. v, 17.

[41] Cf. Rom. xii, 4ff.

[42] ܪܫ ܐܚ̈ܐ.

[43] ܦܪ̈ܢܣܐ.

[44] κανών.

[45] Cf. Matth. v, 5.

[46] Lit. give an answer.

[47] πεῖσαι.

[48] The vocable ܫܟܪ̈ܬܐ is Arabic شكارة.

This is (the case) as long as he has this evil sickness. The true disciple of Christ—they have no other hope, especially when (they are) in the community (of monks).

The tenth canon. The abbot or the steward[50] or the chief[51] of the brothers shall order the brothers in the fear of God (to do) the labor[52] of the community. The monks shall be prepared to obey without dispute. He who objects and does not obey[53] shall be expelled without ado.

The eleventh canon. He who takes something from the community furtively or from another place, it shall be forgiven to him one time and for the rest he shall repay fourfold. If he again dares and does this, he shall be expelled without ado.

Canon 12. It is necessary for the monks of this monastery to do manual work within the monastery so that they do not move to a depression of the mind. Idleness begets harm for monks.

All the monks shall continue in the reading of ecclesiastical books. He who possesses knowledge shall teach the rest of the brothers. He who does not possess knowledge and the paternal Syriac language, he shall learn not to esteem it lowly and shall not be lazy as stagnant ones, stupid, who do not love knowledge but (only) the aberration of empty and idle words of no profit and who become in idleness like a tree which has no fruit[54].

And the rest of the clergymen[55], dwellers of the monastery, shall learn the sweet songs of the manner of speech like antiphons, (doctrinal) hymns, (metrical) litanies, the Greek canons[56], and the rest of our Western melodies like the people of ʾŪrhāi with their sweet melodies[57].

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[49] Or: business.
[50] ܦܪܢܣܐ.
[51] ܪܝܫ ܐܚ̈ܐ.
[52] The vocable ܫܘܓܠܐ is an Arabic word شواغل; cf. BAR BAHLUL, *Lexicon syriacum*, col. 1940.
[53] Lit. hears.
[54] Cf. Luke xiii, 6ff.; Matth. vii, 19.
[55] κληρικός.
[56] κανών.
[57] Or: songs.

Canon 13. A monk who raises his voice and shouts about something—this one is not in the order[58] of the discipline; this is not the * p. 223 custom (even) according to the worldly norm[59]. He who raises * and lifts up his voice and chatters (stories) within the monastery or outside or breaks out in idle laughter or laughs about a defect that his brother has, shall lead the life of abstinence—in the evening fasting on dry bread for one week, doing repentance and asking forgiveness from the (most) revered, aged one of confession in the monastery.

Canon 14. The order[60] (of the behavior) of the monks is: a peaceful walk, a chaste look that is bent down continuously together with his head. A peaceful and quiet talk[61], an affectionate (way of) questioning and a peaceful and affectionate answer. And love towards men for all the brothers.

Canon 15. Monks shall not sit on the porches[62] and narrate over much like the seculars who do not fear God. The monks, however, shall either work in the monastery with their hands occupying themselves with God in their mind. Or they shall read the sacred Scriptures; or they shall sit with somebody who reads in the Scriptures; or they shall recite the psalms by heart; or they shall sit inside the walls of their cells[63] waiting for their Lord who may call at an hour which they do not know, according to that which is said in the adorable Gospel[64].

If one of the brothers of the monastery shall be stricken by illness and he has no brother, a helper to serve him until he becomes well, the abbot and the managers[65] shall appoint one person from the monks unto him. This in order that he shall serve him as long as he is sick; (also) so that—if he has nothing—the needs[66] of him be fulfilled by the community.

If, however, there appear in him signs of the departure, he shall call his father of repentance and confession and he shall confess to him everything in which he has transgressed and which he has done whether, in deed, thought or word. Then (the father confessor) shall ask him just as our Lord (did) with those who were sick or needed healing: "Do you believe that I can forgive you these which you have confessed to me?" He shall say: "I truly believe that you have been given the authority to forgive the sins * of those who in faith desire forgiveness". Then shall he answer and say: "In the true faith and love of Christ, He who promised and gave the authority and said: 'When you forgive the faults and sins of one they are forgiven to him'[67], do Thou our Lord forgive him everything in which he has sinned and make him worthy for the lot and portion of Thy saints through Thy mercy. Amen". * p. 224

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[58] τάξις.

[59] κανών.

[60] τάξις.

[61] Lit. word.

[62] Or: thresholds.

[63] κέλλια.

[64] εὐαγγέλιον.

[65] ܦܪ̈ܢܣܐ.

[66] ἀνάγκη.

When if possible all the presbyters and brothers of the place are assembled, he shall give an order to the one who is departing[68] to distribute if he possesses anything which yet remains to him. It is fair and true and just and right that this true disciple of Christ shall not possess something, that one who is prepared to depart, except these (things) for his necessity about which I am speaking, (namely) the (monk's) habit[69] and a book. These (things) shall be for the community.

And all the members of the monastery shall make for him who died three vigils especially and particularly. Instead of one *būšālā*[70] there shall be prepared[71] two for every vigil.

Canon 16. It is right, however, that once in every completed year the presbyters of this monastery shall commemorate especially and particularly that one who died, at the altars at the last (prayer of) inclining[72], during the offering in the house of the departed saying: "Remember Thy servant so and so who departed from us and all those who have passed away from this community".

Canon 17. As a warning to you, o members[73] of the community, I command you that you, with great care, without fail[74], every day keep remembrance at the altars for Ḥanānyā, the first bishop of this monastery, in the (same) manner as the holy apostles and fathers, when you call to remembrance the apostles and bishops; and (also) for those who have labored in this monastery; and for everyone who has taken pains and toiled either by a gift[75] or by construction or by vows or by the tenths or by having taken pains and being wearied from labor—from this time forward.

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[67] Cf. Matth. VI, 14.

[68] Lit. girding up.

[69] σχῆμα.

[70] ܒܘܫܠܐ boiled or cooked food.

[71] Lit. acquired.

[72] A prayer said by the priest with bent head and low voice, i.e. oratio secreta.

[73] Lit. sons.

[74] Lit. in superfluity.

[75] Or: charitable bequest, legacy.

It shall be an everlasting law[76] without interruption forever in this monastery. He who thinks to alter (this) by a stratagem[77] or by diabolical machinations and to abrogate and to mar the ordinance[78] of the canons[79], * those suitable and fixed which we have ordered[80] for this monastery, which we shall call in memory or which we will mention below, (also) other canons[81] which we arrange at the synod for which we gather—if the Lord wishes that He gives us the hand in assistance—he who alters these canons[82] and shall abrogate these, he shall have no part, neither in the (eucharistic) oblations nor in the pure prayers.

* p. 225

Or if anybody causes any of the monks in any way to annul this order[83] which we have established[84] by all these (rulings), completely necessary according to the law[85] and canon[86] of the convents and monasteries of our *benai qeyāmā*[87] in the Western settlements[88] in the church of our blessed Jacobites in all our monasteries—he who thinks to alter it shall be counted with the destroyers of the law of God and shall be numbered with the crucifiers of Christ and shall not be pardoned in this world nor in that to come but he shall remain under the excommunications and curses until forever.

Canon 18. To all of you, presbyters and brothers, I say: you shall be helpers for the precept[89] of the abbot. He who resists shall be thrown out.

It is right that the abbot does everything which he does in righteousness and uprightness. It is not right for him to do anything by prejudice whether to cast out or to expel any monk from the monastery without (the agreement of) the stewards[90]. He shall not have wrath or hatred toward someone nor shall he do anything outside of righteousness nor, especially, to take advantage of anyone.

He who is weak through old age or sickness shall be borne by you when, as a necessary[91] cause, it calls for action on the part of the community.

Canon 19. A warning from us, the weak ones, regarding the despondency of the *šabtāyē*[92], those who complain about (their) labor and the burden of the office of the *šabtāyā* and the community and the murmuring of the negligent brothers—all such! Would that you had had an eye of the vision of things in secret and appreciated the spiritual and divine service which you had ministered and would that you had known whom you were serving and who was the first in this service. But it is not necessary to prolong this because we are not writing a homily[93] to you * but we set up a word of compulsory regulations. Nothing of these shall be passed over at all. * p. 226

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[76] νόμος.

[77] πόρος.

[78] τάξις.

[79] κανών.

[80] τάσσειν.

[81] κανών.

[82] κανών.

[83] Lit. body, community.

[84] Or: set up.

[85] νόμος.

[86] κανών.

[87] ܒܢ̈ܝ ܩܝܡܐ sons of the covenant.

[88] The term ܓܙܪ̈ܐ means settlements.

[89] Lit. word.

[90] ܦܪ̈ܢܣܐ.

[91] ἀνάγκη.

We, however, are succinctly calling to your mind the profit which is from this service. Look you, o you, to whom this service of life is so difficult. Let your mind take flight and see our father Abraham, the father of the nations, the old one, laden (in years) of an age profound, concerning whom, praying, we say in our supplication and at the conclusion[94] of our prayers: o Lord God, make us and the departed ones worthy of delight in the bosom of Abraham—regarding whom God is called his God although He is God of the entire creation. He is the earthly counselor[95] and an angel in the flesh.

What was this chief of the divine fathers doing, o divine prophet Moses, that you should in such a way celebrate him? Moses answered and said: "Abraham was sitting in the tent and gazing with his eyes, looking for a traveler as was his habit sitting at the crossroad in order not to miss an opportunity[96] for profit. And as the sun grew hot, he saw three men in front of him[97]. And he hurried to Sarah and she prepared the table"[98]. And the Trinity entered his house and blessed him. In the same way the hebdomadaries of whom we have spoken, are set up to (serve) at tables hoping to serve the sanctuary in honor because our Lifegiver said in His Gospel: "I was hungry and you gave me food", etc.[99].

If in like manner you so act in love, your reward is great and the heavenly blessing dwells in your hands, o you blessed ones and spenders of blessings. At the heavenly tables you spiritually have your share and portion and reward for this service—which you are rendering to the church of God.

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[92] ܫܒܬܝ̈ܐ hebdomadaries.

[93] Or: exhortation.

[94] Or: final benediction.

[95] Lit. counsel.

[96] Lit. hunting.

[97] Lit. above his head.

[98] Gen. XVIII, 1ff.

[99] Matth. XXV, 35.

* p. 227 Canon 21. Brothers and all who sit at this table * in the community—it is not right for you to choose the places but everyone shall know his order[100]. If he wishes to be brought down, that is up to him.

Canon 22. No one shall sit at a separate (place) away from the table of the community. If he sits outside they shall give him no food except for him who has come from the road or who is ill or if abstinent[101] does not eat *būšālā*[102]. In like manner is no one allowed to take some food to another cell[103]. And not to the wayfarer; but he who is a wayfarer must come and eat in the community.

He who transgresses these (regulations) shall be condemned. If he shall do this evil one time or two it shall be forgiven to him. If more the canon shall be imposed according to the will of the abbot, and he shall act in this manner or he shall be thrown out without ado.

Canon 23. The regulation of the prayers.

There are seven (prayers) for you according to (the practice of) the convents and monasteries, i.e., in the evening—which is of the lamp, that is the compline[104], and in the middle of the night, and the rest of the nightly and daily times of prayers.

He who grows weary and is not prepared (to be present) from the beginning of the prayers but is (residing) in the monastery and is not sick in his illness so as to be unable to stand up, yet cannot sit (with the brothers), he shall serve his prayer in his cell.

Because he is weak in sickness he may drink three cups of wine in a day. If he again gets well—a monk may drink up to three cups.

24. One dinar must be taken from a monk who strikes his companion—if he has anything. If he has nothing, he shall fast the evening fast for three months without the *ṭūrāšā*[105] and shall eat dry bread.

25. A monk who fights with his companion (perhaps) calling him by (some) name[106], not disdainfully to him and causes him to reply to him and they go from this into fighting—it shall be forgiven to
* p. 228 him one timed and two. * If they hurt (one another) it shall be changed into a fast of one month, ascetically without any *ṭūrāšā*[107]. Particularly if he raises his hand to beat his companion.

26. A monk is not allowed to go alone into the town or village

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[100] τάξις.

[101] Or: ascetic.

[102] ܒܘܫܠܐ boiled or cooked food.

[103] κελλίον.

[104] Cf. Ps. xci, 1.

[105] ܛܘܪܫܐ food forbidden during a fast.

[106] Lit nickname.

[107] ܛܘܪܫܐ, see note 105.

and to spend the night there. If there is an urgent cause there shall be two together and this (only) if there is a matter of urgency in the work of the monastery. If one goes to a place without the order of the abbot—the doorkeeper shall not let him enter the monastery until he receives upon himself the fast for one month.

27. Whoever has an urgent cause shall tell the abbot and if the abbot permits him (to do so) he may do it. The abbot, however, shall not command and go beyond anything that has been determined by the canon[108]. If he breaks and transgresses the canons in a derisive manner, for each canon which he breaks the abbot shall fast one fast until he is amended by having observing them.

28. Any monk when the *nāqōšā*[109] is struck and does not come—hastening to the prayer—into the church shall be admonished one time, two and three (times). And if he is not amended, he shall be separated from the table until he confesses and repents—that he shall not do this (again).

29. It is right that the deacons of this monastery shall have a chief[110]. He shall instruct those who are under him. He whom he instructs to serve and who does not obey[111] and who has no necessary[112] cause shall cease from his service; he shall eat dry bread until he is amended. If he shall not be amended he shall cease completely from the service.

30. That a monk shall not mar the order[113] of the church[114]. He who does not know the psalms and ceases from their recitation shall not eat the *ṭūrāšā*[115] so long as he is idle.

The thirtieth (canon). A monk who eats before the offering[116] and before he receives a blessing[117], except for a cause of sickness or necessity[118], shall fast one week ascetically[119] without the *ṭūrāšā*[120].

The thirty-first (canon). A monk who brings out the secrets of the monastery or any talk of the transgression[121] of the brothers or

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[108] κανών.

[109] ܢܩܘܫܐ sounding board, gong.

[110] ܪܝܫܐ

[111] Lit. hears.

[112] ἀνάγκη.

[113] τάξις.

[114] Structurally this clause belongs to the preceding canon.

[115] ܛܘܪܫܐ, see note 105.

[116] ܩܘܪܒܐ celebration of the eucharist.

[117] ܒܘܪܟܬܐ, a blessing, benediction, eulogia.

[118] ἀνάγκη.

[119] ܚܢܝܟܐܝܬ.

[120] ܛܘܪܫܐ, see note 105.

[121] The text reads erroneously ܡܠܬ ܥܒܒܘܬܐ but the word should be ܡܠܬ ܥܒܪܘܬܐ.

about the fightings or quarrels of the brothers or who appeals to the seculars about these canons which we have ordered[122] for this
* p. 229 monastery * or who goes to an authority in a lawsuit which he has or (engages) in a fight with another monk or who abandons the judgment of the church and also these canons[123], etc. even though he has someone who can give judgment (in his case)—such a man shall be excommunicated and cut off from the messianic body and entirely from Christianity and also from the mysteries of the church completely. And he shall in no way be accepted in this monastery if it can truly be witnessed against him that he has committed one of these evils or calumniation and accusation before the rulers and officials and judges and leaders of this country, etc. And the more so, if he goes and seeks support from the foreigners[124] against the monastery and these monks in whatever case it might be. Such a one we do not accept[125] as a Christian and believer in Christ, and we (hold) as an unfrocked one and as accursed and as a stranger and despised any person who commits the evils we mentioned, whoever commits this offense and becomes a stumbling block to all members of this sacerdotal monastery, whichever man goes and creates strife and offense against the monks and laymen.

We have written to you on these matters in order that they may become guards against evil things and harms and injuries. You, the members of the monastery, who are living in this divine monastery of the chosen and God-clothed Mār Ḥanānyā, like a second Christ and with him the twelve thousand saints whose Shechinah[126] and power is in this monastery, and who are to you like fortified fortresses and strong walls of a city and like fences of a vineyard and like a remedy and medicine to sick people and like some bitter roots which drive away all injury, like medicine which cures the pain of a soul and body of any person who seeks healing. They increase love, chase away troubles; they remove the stumbling block from the road of truth, they cause satisfaction to him who desires good things and they increase the good fruits of obedience.

I, Jōḥannān, old and feeble, by name a bishop, have ordered and
* p. 230 set up and confirmed the content[127] of the above canons[128]. * Who-

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[122] τάσσειν.

[123] κανών.

[124] Lit. others.

[125] Lit. know.

[126] ܡܫܟܢܐ tabernacle, shrine and the Shechinah as in Neo-Hebrew.

[127] Lit. body.

[128] κανών.

ever resists them and does not obey[129] them shall not be pardoned by God neither in this world nor in the one to come[130].

[XCII]

OTHER CANONS ABOUT THE MONASTERIES OF MĀR 'ABAI AND OF MĀR ḤANĀNYĀ

I, the old and weak Jōḥannān[1], bishop, corporally the son of parents from 'Ūrhāi[2], do hereby confirm that I myself composed[3] this definite[4] and firm commandment. I am firm in my self and think that this blessed monastery of the holy martyr Mār 'Abai[5] in the village of Qillet[6] which is near the town of Ṣūrā[7]—(that) this Monastery of Mār 'Abai should be together (i.e. act in cooperation) with the Monastery of Mār Ḥanānyā.

Anything that is left over of the crop and other things and of produce and of harvest and fruits, shall be used to fill the need of the place and of its brethren—that the remainder shall be brought to this said monastery. And (also) when the Monastery of Mār 'Abai is in need, then they from Mār Ḥanānyā shall bring to fill its need. The monks shall take due care and exercise diligence over the monastery inasmuch as this monastery of Mār Ḥanānyā is the seat of the patriarchate for all the Western and Eastern Jacobites[8].

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[129] Lit. hears.

[130] The same text appears in Ms. Mardin Orth. 323, fol. 70a-80a.

[1] About this Jōḥannān, see page 212ff. Cf. VÖÖBUS, "Entdeckung einer neuen Klosterregel von Jōḥannān von Mardē".

[2] The text reads 'Ūrḥāye.

[3] Lit. made.

[4] Lit. fixed.

[5] The Monastery of Mār Abai was an ancient establishment, see VÖÖBUS, *History of Asceticism* II, p. 230. About the remains of the monastery see POGNON, *Inscriptions syriaques*, p. 186. The vita of Šemū'ēl claims to have information about its origin. It is told here that in his earlier career Šemū'ēl, the founder of the Monastery of Qartāmīn, established this monastery and "they call it Mār 'Abai until this day", Ms. Br. Mus. Add. 17, 265, fol. 9b. A new witness comes in Ms. Istanbul Meryemana 4, fol. 81a; cf. VÖÖBUS, *Syriac Manuscripts in Istanbul*. About still other sources, see VÖÖBUS, "Important Discoveries for the History of the Monastery of Qartāmīn". Concerning this martyr, whose name was Mihr Šābūr, there are his legendary acts, *Acta martyrum* II, p. 535ff. A different story appears in Ms. Mardin Orth. 267, fol. 58aff. It is told here that the monastery was founded on the spot where 'Abai was martyred. He was killed together with many others, and their remains were hidden in a cave which were found in the days of Theodoṭā, metropolitan of 'Amīd. His commemoration day was celebrated on October 1, *Ménologes syriaques*, p. 86, 97, 105, 112, 140. RABBAN SLIBA, *Le martyrologue*, p. 139. About new discoveveries, see VÖÖBUS, "Entdeckung neuer Menologien".

[6] Qillit in Ms. Berl. Sach. 241, fol. 35b.

[7] Ṣūrā was in the Qōrōs mountains in the western part of Ṭūr 'Abdīn.

The same custom is (followed) in the glorious Eastern Monastery of Mār Mattai[9], that old (institution), divine, holy and glorious in excellence, where there are three monasteries united with regard to income and expense. And whoever is elected by the body (of the community) is to go there and take with him brethren, companions as an escort for him; and he is to stay there one year and be diligent[10] and dwell in the place. And of that which is left over (there), he is to * p. 231 bring (back sufficient) for the sustenance * of this brotherhood. The reason is (this) that this monastery is the greatest among all the convents and monasteries for us, just as the Monastery of Mār Mattai is the greatest in all the land of Nīneuē and the East and rules over all the Eastern monasteries. And of that which they leave over in them, the monks bring to Mār Mattai, etc[11].

[XCIII]

FROM THE PATRISTIC CANNONS OF THE SYNOD[1]

(1) Monks who give a gift in the interest of the rulership of the monastery shall be anathematized.

(2) Monks, *sa'ūrē*[2], and all the brothers shall not put on the black

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[8] The text reads: "Syrians", also in Ms. Mardin Orth. 323; it is obvious that originally the text read "Jacobites" and this has been changed.

[9] About the Monastery of Mār Mattai, see page 197ff. Regarding the traditions of the monastery new sources have emerged in Ms. Mar Mattai 193, fol. 81a-107a, 107b-129a; Ms. Mosul Orth. 182, fol. 47a-54a, and Ms. Šarfeh Patr. 247, fol. 46b-61b.

[10] Or: takes care (of the monastery).

[11] The same text appears in Ms. Mardin Orth. 323, fol. 80a-81a.

[1] σύνοδος.

[2] ܣܥܘܪܐ overseer, visitor.

garments of wool (outside the walls) of the monastery not to despise the honor of the garment[3].[4]

(3) No one shall receive a brother who moves from one monastery to another except by a report from the first abbot from whom he has come[5].

(4) A monk if he enters the service[6] or worldly government is anathematized.

(5) Monks shall not drink much wine so that they will not blaspheme[7].

(6) A monk who eats flesh is adjudged as one who fornicates[8].

(7) A monk who sins shall be reproved; up to two times it shall be forgiven him; upon the third (occasion), he shall be expelled.

(8) Monks who carry bags or shrines[9] of saints and are going around—we have determined by the anathema of God that they shall not be received[10].

As much as possible, these canons shall be observed in watchfulness * and they shall not get lost—for the honor of their author, * p. 232 Mār Jōḥannān, the holy metropolitan of the glorious monastery and of the town of Mardē. Whoever neglects them shall be despised; he who keeps them shall be kept[11].

Glory be to God. Amen.

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[3] σχῆμα.

[4] This canon is taken from the collection of the canons for monks by Rabbūlā where it appears as can. 6; see Vööbus, *Syriac and Arabic Documents*, p. 28. The text, however, has been recast. Rabbūlā's canon speaks of the "garments of hair".

[5] This is can. 26 in the cycle of canons by Rabbūlā, *ibid.*, p. 33. The original text has been reshaped.

[6] The vocable ܦܘܠܚܢܐ means husbandry as well as military profession.

[7] This is can. 4 in the collection of canons by Rabbūlā, *ibid.*, p. 27; however, its text has been modified here, changing the prohibition in the original text to disciplined allowance. The original text reads: "Monks shall not drink wine so that they will not blaspheme; especially are they to take pains that they do not buy a drink". All the manuscripts which have preserved this canon read this way.

[8] This canon has been taken from the collection known as the canons of the Persians; there it appears as can. 23, *ibid.*, p. 92. This canon has been slightly reshaped changing the tense into "shall be adjudged".

[9] γλωσσόκομον.

[10] This canon is taken from the cycle of canons for the monks by Gīwargī, the bishop of the Arabs, where it appears as can. 1, *ibid.*, p. 99. The text has been supplemented by the threat of the anathema.

[11] The same text appears in Ms. Mardin Orth. 323, fol. 81a.

[XCIV]

ABOUT THE CANONS OF MĪKA'ĒL RABĀ AND JŌḤANNĀN BAR MA'DANĪ

The venerable Mār Mīka'ēl[1] the Great, the patriarch[2] set up twenty-nine canons[3] in the monastery of Mār Ḥanānyā.

Likewise also our father Mār Jōḥannān bar Ma'dani[4], the patriarch[5], at rest, set up six canons in a codex[6] in the monastery (just) mentioned when he was still maphrian of the Orient. He ordered in a decree that the canons were to be watchfully kept for the direction[7] of the community.

Mār Jōḥannān bar Ma'danī, the patriarch, composed also an important canon in a codex (decreeing) that if one from the monastery was to be consecrated bishop according to the will of the Holy Spirit over one of the congregations, he must sell his cell[8], vineyards, enclosures[9] (for sheep)—if he possesses them—and he must leave nothing in this monastery, so that there would be for him no return to the monastery at all in any way (because of such affairs). And also that a bishop shall not be received with the brothers as one of them in the glorious monastery. Further, that he also shall not have a dwelling place with them.

No one of the holy chiefs of the priests (is allowed) to despise this canon in order that there be no cause in the community of brothers to induce a stumbling block. And when one keeps (this ruling) well—the order[10] of the bishop and the brothers and the dwelling places will be kept, etc.[11]

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[1] Mīka'ēl the celebrated author occupied the patriarchal throne from 1166 till 1199 A.D.

[2] See some comments about him, page 212.

[3] Nothing more is known about these canons. The synod was held in the Monastery of Mār Ḥanānyā in 1167 A.D., but the canons established there have not survived. It is possible that they contained norms also for monastic life, particularly since Mīka'ēl gave such canons for the Monastery of Mār Mattai, preserved in Ms. Wien Mech. Syr., fol. 112b-116b; see VÖÖBUS, *Syrische Kanonessammlungen* I, 1, B, p. 387ff.

[4] 'Ahrōn, which was his name before consecration, was known as an author; since 1248/9 A.D. he became maphrian of Tagrīt.

[5] His rule lasted from 1252 till 1263 A.D.

[6] Or: scroll.

[7] Or: reformation.

[8] κέλλα.

[9] Enclosures for sheep.

[10] τάξις.

[11] The same text appears in Ms. Mardin Orth. 323, fol. 81b.

[XCV]

* THE ECCLESIASTICAL CANONS OF JŌḤANNĀN OF MARDĒ

* p. 233

As we call upon God, the helper of all the creation and the creatures, to our aid we begin to write the ecclesiastical necessary canons, by all means the necessary (regulation) in the priestly orders and the degrees which were set up and ordered for the house of the saints by the blessed Mār Jōḥannān, the holy bishop of the priestly monastery of Mār Ḥanānyā, east of the town of Mardīn. Mār Jōḥannān the renowned of Mardīn ordered these canons together with the assembly of the holy bishops in the synod[1] which Mār Jōḥannān gathered in the said monastery. These are the canons which Jōḥannān ordered from the apostolic canons which he took.

The first canon[2]. Concerning confession, because we have learned thus from the divine Scriptures, we the bishops, the holders of the place of the holy apostles among the people and in the church of God, (hold) that it is not possible for a man to approach God without true repentence. And that there shall be no repentence without the true confession that is from the whole soul and mind in the right faith and genuine[3] humility (and) that there is (indeed) no (other) way.

This noble order of confession was determined by the holy prophets and the blessed apostles and all the Christian people have observed it. In our day, it ceased among the members of our Syrian Jacobite people for a short time due to an event which came to pass by the operation of Satan. Then the holy fathers who were gathered for the ordination[4] of Mār Jōḥannān, bishop of the monastery of Mār Ḥanānyā, renewed the (rite) and confirmed it. The said Jōḥannān is the eye of all the habitable sheepfold of the orthodox through his insight[5] and attention to good actions, (those) which he performs in the church of God for the completion of the foundations[6] and

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[1] Our document does not include the date for the synod. On the basis of intrinsic evidence this event must have belonged to the last part of Jōḥannān's episcopacy because in the canons a reference is made to him as to an old man. Bar ʿEbrāyā in connection with another subject drops the remark that Jōḥannān held a synod in 1153 A.D., *Chronicon eccl.* III, col. 339. This may be the date for the synod under discussion, but it is not certain.

[2] κανών.

[3] Lit. beautiful.

[4] χειροτονία.

[5] Lit. look.

[6] ܕܘ̈ܡܣܐ domus.

* p. 234 * the lasting superstructures of the ecclesiastical canons. Indeed, we have no other father like him at this time in all the world. And this saint, mentioned above, has spoken about this canon of confession.

Also we, then, as we tread after the first fathers and adhere to the previous ones who were the mediators, and we, the weak, the feeble, and the last, we declare and determine upon ourselves, upon the entire church of God, through the frightful word of God, that everyone of the members of the church must take a confession of his sins whether he be the patriarch or bishop or presbyter or deacon or monk or layman. Every year three times: during the fast of the birth (of Christ), the great fast of the forty days of the Son, and the fast of the apostles. These are the three dominical fasts—they are for the honor of the holy Trinity. The fast of the forty days is for the Father, the great fast of the Son is forty days except for the week of the saving passion; and the third dominical fast which is for the Holy Spirit, is for fifty days from the Sunday after the feast of the Pentecost until the Sunday of the (ceremonial) sprinkling of the Armenians, which is called in the books "the feast of Nafsardal"[7], and is for one hundred entire days from the days of the sixth Sunday of the Resurrection.

We have heard that some people incorrectly break this fast of the Holy Spirit on Saturday and Sunday by (eating) forbidden foods and that they absolve their *nezīrūtā*[8]. They have no authorization from God and from us, the weak ones, that they break the Saturday or the Sunday during this entire latter fast of the Spirit of which we have spoken (above). These three dominical fasts are for the holy Trinity. Without the confession and supplication[9] of that one who offers the oblation, it is not allowed anyone who is a priest to carry on priestly functions, or for a monk or a believing layman—from a small one to the great one—to participate in the holy mysteries of the dominical body and blood, if he does not confess his sins and
* p. 235 profess * the orthodox faith. After that, he shall participate in the vivifying mysteries which will be provisions on the common road to eternity.

If he does not confess his sins, he will not be led to the grave by the priests like a believer and inhumed in the blessed earth if he dies without confession. But he will be thrown like the cadaver of an impure animal (into a ditch). We must therefore (see to it) that, before arriving at this door of life, everyone of us by all means [10] shall confess his sins. It is necessarily an urgency for us to confess and for one to prepare his soul to receive and accomplish all that is prescribed and to present a repentence that leads him to God. The one who excuses himself[11] from this canon and this regulation is out of the church and the category of Christianity.

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[7] ܢܦܣܪܕܠ.

[8] ܢܙܝܪܘܬܐ abstinence, continence, a period of imposed acts of ascetic practices as penalty.

[9] Or: intercession.

Canon 2. We all, the bishops, the weak ones, have determined through the living and frightful word of God, that without diligent investigation and trustworthy witnessing, no one shall by any means be promoted to the rank of the leadership of the priesthood or the diaconate or to the reverent garment[12] of monasticism. Moreover, he who trespasses this firm and fixed regulation is foreign to the church.

The third canon. It is right, however, to assign in every town, village and monastery some of the faithful, old priests over the mysteries. They shall be watchful, testified to in knowledge and abounding in an excellent manner of life in the priesthood, and some old monks, stable, experienced men in excellence, (able) to cultivate the faith among the true believers, the members of the church.

These are to be elected by the bishop with the consent of the church for the place where they are assigned over the service, in particular, the confession. First, they must learn from the bishop the rite[13] and the manner of the confession. They should know, as we have determined and ordered, which help and remedy[14] is suitable for the sick ones on account of sins, according to the state and category[15] and disposition of the penitent and according to contrition regarding sins, like the physicians, the philosophers, and the sages in God who first must know * and then pronounce the word of truth. * p. 236

Canon 4. If one of all the excellent orders of the priesthood, whether the patriarch or the catholicos, bishop, presbyter, deacon, or monk, spreads out and reveals the confession of someone during his lifetime or after his death and the confession (is given out) in word or writing or by hint—we all have determined through the frightful word of God that he shall be accursed and anathematized by the holy Trinity and is to be sent from the order[16] of the priesthood and Christianity. No man shall speak with him, converse with him, answer him and have to do with him in any matter. But he shall be driven away, removed and scorned by the heavenly church and from this one, our earthly one. There is no release for him at all.

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[10] πόρος.

[11] The text reads ܡܫܬܠ but it should be ܡܫܬܐܠ.

[12] σχῆμα.

[13] τάξις.

[14] Lit. medicine.

[15] τάξις.

Canon 5. No one is allowed to receive gifts regarding confession, whether little or much, except that the penitent shall distribute to the needy and the prisoners (and) for the sustenance of the churches and the monasteries as determined about him so that they shall pray and make intercessions because of him.

However, from the produce, a donation shall be set apart by the bishop.

The sixth canon. As our Lord has said: "As you shall love one another, they shall know that you are disciples"[17], so where there is no fellowship of suffering there is also no love. And where there is no love there is found (also) no discipleship of Christ; not even one good virtue, according to the rule of the great Paul, the apostle of the Gentile peoples, as he has said: "If I speak with all the tongues and with those of the angels and I know all the mysteries and all the knowledge and I give all that I have to the poor, etc., and love is not in me, I profit nothing"[18], with the rest of the passage[19] that demonstrates the dignity[20] of love. Therefore we, as the servants of Christ and the disciples of Paul and the adherents of the footsteps of the * p. 237 holy apostles, we all have determined * to love one another like ourselves and to have fellowship in the suffering of one another as members in one body whose head is Christ. Let us remain without agitation in the renewing of this repentence that we have begun. And when one of us rejoices, let us all rejoice with him. Who gives (to it) less than his strength, he will be condemned by God.

The seventh canon. Again our Lord set up the regulation for the shepherds and He said: "The good shepherd lays down himself for his flock"[21]. We, who through the door of repentence, have begun on the way of spiritual shepherding—it is right for us to accuse our own present life here until blood (flows) and we know that without this accusation, scorn and travail, this canon cannot be kept at all.

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[16] τάξις.

[17] John XIII, 35.

[18] I Cor. XIII, 1ff.

[19] κανών.

[20] τάξις.

[21] John X,11.

So then, he who wants to become a shepherd of the flock of Christ shall have contempt for the world and hate his (own) life and shall give from his whole strength for His superb community so that with the people of Christ he shall enjoy his Lord. He who gives less than his strength, shall be condemned.

The eighth canon. Again our Lord Himself has shown that in the nature of our soul there exists the rule[22] of righteousness when He says: "As you wish that men should do to you so also do you, and that which harms you do not do to your neighbor"[23]. So then we must guard with all our strength this regulation (especially) over those who contradict it with obstinancy.

If someone is suspended or corrected by one, it is (the case) that he shall not be received by the others. Not even that a clergyman shall be received in another church in the order[24] of his service without the confirmatory letter and permission of his bishop.

One shall not turn his ear to the calumny of his neighbor. If a cleric or a monk or a layman has a grievous or grave cause[25], it shall be brought before the assembly and shall be kept for the synod of the bishops. It shall be investigated and he shall be judged in righteousness according to the ecclesiastical canons. He who neglects (these rules) shall be condemned.

The ninth canon. The holy fathers have established in the church that from everywhere at a convenient time twice a year the shepherds * of the eparchies[26] which are near shall gather for the sake of ecclesiastical affairs. But we because of our weakness and the hardship of our time, (only) one time. * p. 238

We have determined for ourselves that we shall by all means[27] gather in every year whether at the dominical Pascha[28] time or at both *Tešrīs*[29] and shall investigate and judge the affairs, general and special. We shall renew the confession among ourselves necessarily, by all means year after year.

Everyone who has a lawsuit or a grievance shall come to the fore before the synod and shall be investigated justly in the fear of God. He who abstains from this assembly except for sickness or for a matter of necessity[30] that (hinders) him to come, or being not able because of the enemies who hinder him to come to the synod, he shall be rejected by the whole church.

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[22] κανών.

[23] Matth. VII, 12; Luke VI, 31.

[24] τάξις.

[25] Lit. judgment.

[26] ἐπαρχία.

[27] πόρος.

[28] πάσχα.

[29] The months of October and November.

The tenth canon. Concerning the presbyters, those who tire themselves and labor hard in the matter of teaching, the blessed Apostle Paul has commanded that they should deserve a double honor[31].

So then from necessity, it is right for the bishops that they should labor in the matter of admonition and teaching and …[32] with them other teachers who are able in (the giving of) admonition and who walk in the fear of God, everyone according to his strength and in his congregation.

One who is called by another bishop, his friend, or receives an order from the head of the bishops to introduce the work of virtue in a place, to admonish the people and to help in the correctness of personal preaching[33] or through a letter, must not himself refuse (from so doing) or because of the inhabitants of his village or the village of the seculars. It is not right to do this. Moreover, he who turns away from these (rules) shall be liable to judgment.

Canon 11. The blessed Paul[34] and the holy apostles, his companions, and the holy fathers have determined and demonstrated
* p. 239 what is necessary in order to become * one who may be called to the supreme rank of the leaders of the priesthood and the lawful service of ecclesiastical shepherding.

We also, as we cleave to them in this way, determine and declare: there shall be no head unless there is, regarding him, an accurate examination, thoroughgoing and firm. They shall testify about him, the bishop in whose region he lives, and many who have conversed with him and have had intercourse with him. There shall be a decree[35] regarding him, i.e., a general opinion of the patriarch of the apostolic see to the effect whether he deserves to be called to the said episcopacy. Furthermore, he shall be examined in person in literary reading and in the way of life of monasticism.

It is necessary to read what has been mentioned previously above in the canons—the confession[36] and to know its force, capacity and what is required in it. If he promises that he will observe them and he knows that he is able to observe and to fulfill them, he will be called. If he is known as suitable for the service, he will be presented and confirmed (as an episcopal candidate). He will then be recommended with care and thereupon sent forth. He will truly succeed because the Holy Spirit accompanies him by the imposition of the hand in the ordination[37] which he receives from the holy heads of the priests in the assembly of the synod.

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[30] After this word the text has a blank space; a word must have been illegible in the original.

[31] I Tim. v, 17.

[32] A word has suffered here; also Ms. Mardin Orth. 323 cannot help us here.

[33] Lit. word.

[34] I Tim. III, 1 ff.

[35] ܦܣܦܝܣܡܐ, ψήφισμα.

Canon 12. The divine and holy apostles have set it up in the church that all the orders[38] of the clerics, those in the churches and monasteries, shall obey the bishop of the place as they would God[39] because the place of God—glory be to Him!—is kept for him.

So then it is right that after the election of the bishop and the commissioning to the country, all the clerics, monks and lay people shall obey him and shall behold in him as it were the spiritual father. They shall keep his commandments and divine laws[40].

And all the affairs, matters and things of the church shall be entrusted into his hands and the inheritance of the one who died before him, to keep it in guardianship. He has authority over the properties and the matters of the church. He shall administer these in the fear of God, the buildings and the utilities of the church.

* Also over the sustenance of the clerics who continue (on the roster). * p. 240

He shall perform the ecclesiastical service in the church. He (shall take care) of the needy, prisoners, orphans and the widows. For if the bishop is set over the souls of the believers and has the authority over the whole church, how much more therefore is he set over the goods and the properties. Of course[41], he does not administer them without the knowledge of the eminent persons among the priests and believers.

He who opposes him with dispute in this administration shall be condemned and excommunicated from the church if he trespasses this canon.

Canon 13. The apostles have set up (the rule) in the church that there shall be due care regarding the center of strangers in all the churches of God.

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[36] ὁμολογία.

[37] χειροτονία.

[38] τάξις.

[39] Cf. *Syriac Didascalia* V, VII.

[40] νόμος.

[41] Lit. it is known.

A house shall be prepared in every church for those who come—(as) a resort for the poor, the prisoners, and the stricken who come to the church, and who come from every place, and particularly for the prisoners and the stricken ones that they shall be helped.

Therefore the obligation of the bishop is this, that he must show (due) care for the poor[42] and the strangers[43] who come here from every place. Particularly so with regard to the strangers[44] and[45] the distressed—that they shall be supported from his property, from those of the church and from the body of the believers.

In every village and at every church there shall be a house for the strangers for the purpose (of providing) them shelter. And continually shall he admonish and exhort the people to assist the needy and to receive the strangers into their houses.

The one who does less, is not a disciple of our Lord.

Canon 14 (not extant in the manuscript)[46].

Canon 15[47]. Again the apostles have determined the length of years of the clerics (for admission to offices of ministry). The bishop shall not be less than fifty years, according to the canon written above.

* p. 241 * Canon 16. The apostles have constituted that there shall not be many presbyters and deacons in one church and congregation, even if it is very large. As (indeed) they did not appoint to that assembly of many thousands more than seven deacons[48] together with Stephen the deacon so that they, because of need, would not be compelled to leave the service of the Lord and to run after the necessity of their livelihood, but (rather) that they were to have enough to suffice.

They shall be established from the congregation and the church, and they shall meditate continually on the law of the Lord. They shall instruct the people in the teaching which brings them to the penitence and the knowledge of faith.

And as they shall conduct (themselves) in this way, (so is it) the obligation of the bishop to exhort the people to give alms and first-fruits from the harvest and the vineyards, etc., and from all the income, and from the pure work of their hands, as our Lord commands and (as did) also His disciples in the Old and New Testament—that those who work in the sanctuary are supported from the santuary, and the one who shepherds the sheep eats from it.

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[42] The text breaks off and has a lacuna here.

[43] This text is recovered from Ms. Mardin Orth. 323, fol. 87b.

[44] The canon from Ms. Mardin Orth. 323 ends here.

[45] The following part of the lost canon is recovered from Ms. Mardin Orth. 176, fol. 144b.

[46] The canon is missing also in Ms. Mardin Orth. 176.

[47] Can. 15 and 16 have been taken from Ms. Mardin Orth. 176, fol. 144b.

[48] Cf. Acts vi, 2ff.

Therefore, anyone who cheats (with regard to) the first-fruits and alms of the priests and deacons and the clergy, shall be guilty before God.

<Canon 17>[49]. ... before the rulers as much as possible.

They shall not be seen before them at all except in case of coercion and necessity.

He must have care in teaching and in the fear of God he shall admonish and correct the people. He shall interpret to them the sacred writings.

He shall be prepared to give account of himself.

Canon 18, Regarding the holy fast, the apostles have decided the distinct times and special days which the Christians have to observe. They say that it is right for the bishops, monks, presbyters, deacons, * and true believers to fast on the holy fast of the birth (of Christ, the fast) that is (designed) for the Father for having given us his Son, for forty days. * p. 242

The evening fast in the *nezīrūtā* of all wine and fish.

Likewise, also the fast of *Niniveh*, that is five days until the morning of the Saturday that we begin in our *nezīrūtā* in the *ṭūrāšā*[50].

After this manner in the order, we shall keep in the *nezīrūtā* the fast of Wednesday and Friday from the *Tešrī qadīm*[51]—that is, the great fast of the forty (days)[52], which is for the adorable Son who suffered for our sake.

The third fast, that after the Sunday of Pentecost which is (in honor) of the Holy Spirit, is for fifty days.

The fast of the evening we do not impose if there be (any reason) of necessity.

As for the weak ones, everyone shall try it according to his strength but with abstinence from wine and fish—it is necessary to abstain from it.

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[49] Here the text of the manuscript is resumed; however the beginning of the canon is lost.

[50] ܛܘܪܫܐ food which was forbidden during a fast.

[51] The month of October.

[52] I.e. the period of Quadragesima.

Similarly, the Wednesday and Friday throughout all the summer, (abstinence is prescribed) in the same order[53].

As for the layman, the bishop determines (the fast) as he sees proper.

He who breaks (the fast) except for sickness and necessity shall be a stranger to the entire church and its mysteries.

Canon 19. The bishops, monks and presbyters are not allowed to use much wine, except the necessary three cups and those for the old and weak. He who adds more than this shall be condemned.

The twentieth canon. (As to) the priests and the clerics—he who trespasses the wine (rule) for the first time, shall be rebuked. The canon of penitence shall be applied to him in correspondence with his degree and his stature.

If he shall sin again for the second time, the first canon shall be doubled on him together with strict censure and strong threat.

* p. 243 * But if for the third time he shall do this folly, he shall be excluded from his service altogether for one complete year, fasting, praying, and truly offering repentance.

If, however, after this he shall sin again in drunkenness, he shall fall out from his rank because the apostle, the blessed Paul, reckoned drunkards with the adulterers.

Canon 21. A bishop shall be vigilant and attentive and not neglect the beauty of the regularity of the church.

He shall not let the clerics become too addicted to numerous chants[54] and (the liturgical) canons[55], hymns[56] heavy with variable (tones)[57] and broken hymns[58], in numerous hymns chanted while sitting[59] and the silent songs[60] and the superabundant antiphons[61].

Except for the fixed[62] breviary of the annual cycle (he shall not permit) the choirs, the sweet hymns of 'Ūrhāi, etc., which are of no profit at all to the church of God but rather damaging and harmful to the soul and body and also resuscitate the ardor jealously among the congregation of the church with strifes and quarrels.

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[53] τάξις.

[54] ܩܝ̈ܢܬܐ songs, chants.

[55] ܩ̈ܘܢܐ appointed chants, hymns and psalms.

[56] ܡܥܒܪ̈ܢܐ hymns, especially for the dead.

[57] This phrase is difficult to render.

[58] ܬܒ̈ܪܬܐ "broken hymns", i.e. short clauses.

[59] ܩܐܬ ܡ̈ܘܬܒܐ ܠܐ, καθίσματα.

[60] ܡ̈ܫܠܬܐ a kind of song.

[61] ܡܥܢܝ̈ܬܐ chants, antiphons.

[62] Or: requisite, necessary.

The bishops shall not permit the singers of the chants to make their services long and heavy on the people except on the mornings and evenings of the Sundays and the dominical feasts and (even) then the service must be moderate. The bishop shall by all means[63] admonish the people every Sunday morning and during the nights of the winter.

From *Tešrī qadīm*[64] until Pascha[65], the clerics and the believers shall persevere in the reading of the books of the prophets and the apostles and of the scriptural commentaries, the instruction, the *mēmrē*[66] and the *tūrgāmē*[67] of the orthodox teachers.

They shall exhort the people that they should come before (the altar) during the nights for the prayers and to hear the word of life and the instruction of the Gospel[68] that advances them to God. Otherwise how is it possible to require from him the fruits of the orthodox faith if instruction is not sown?

* He who despises and scorns this fixed canon will be condemned * p. 244 by God and all the church.

The twenty-second canon. The apostles and fathers have decided and determined that all the clerics, monks and believers shall obey the bishop like God[69], and particularly that which has been established through the church in the divine canons. He shall be vigilant and diligent over the service of the Lord.

He who rises against him and suppresses his words audaciously shall be anathematized. He shall be expelled from the church and from intercourse with the believers until he confesses his folly and repents.

Also the bishops shall obey him who has been established as the universal head, the patriarch. They shall be vigilant and circumspect and observe these ecclesiastical canons[70] and the divine laws[71].

In like manner also shall the believers honor the priests who deserve the honor. They shall take pains at the ecclesiastical service every day so that their prayers will not cease from the church except in case of necessity.

Canon 23. Concerning the sacred myron[72]. It is right that every bishop shall consecrate the myron every year from the oil of olive, clarified[73], limpid and pure from the oil composed with perfumed nardin[74] or balsam[75], the quantity as sufficient as we are able to compose.

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[63] πόρος.

[64] The month of October.

[65] πάσχα.

[66] ܡܐܡܪ̈ܐ metrical homilies, discourses.

[67] ܬܘܪ̈ܓܡܐ homilies, expositions.

[68] εὐαγγέλιον.

[69] Cf. *Syriac Didascalia* V, VII.

[70] κανών.

[71] νόμος.

[72] μύρον.

Similarly the oil of ointment must be prepared by the bishop. He will distribute of it to the presbyters with the divine myron.

The olive oil must be placed in the receptacles containing old myron and it will evidently be mingled with the rest that remains of the old myron.

Likewise, however, the oil of prayer shall be blessed continuously together with the consecration of the myron as has been commanded. From it, the priests shall anoint the afflicted and the believers along with the prayers of the holy priests.

It shall be likewise with the oil of olive and if something of the aromatic oil will be mixed, that is very good.

* p. 245 * The honor and excellency of these three anointments which have been established in the church is evident. Neither the nature of the oil nor the roots[76] have the power because the mysteries are formed by the Holy Spirit; for the power is through the descent of the Holy Spirit through the pure prayers of the holy heads of the priests upon them.

Canon 24. Regarding holy baptism. The holy apostles and the fathers have determined regarding those who come to holy baptism.

On the day before it, they shall be presented to the bishop or the priests set over the service of exhortation and over the candidates. It shall be read to them, to the one who presents them and to their godparents from the instruction of Mār Iwannīs Chrysostom[77] on the mystery of baptism, and the (rite) of baptism shall be read to them. They shall give a proper admonition so that all the auditors[78] shall know and learn the great mystery of holy baptism and what a great grace it grants—the adoption they receive in baptism, the pardoning of sins—even though they were yet young at the moment they receive baptism and that now they might understand the great sacrament and adorn their faith by good actions which are suitable to the vocation to which they have been called. And afterwards, the names of the candidates shall be written one after another. (This will be done) according to the order of their days (of age) and their stature, whether they are the sons of the priests or the sons of the eminent or the sons of the poor, having no bias for persons so that at the time of baptism, there shall be no confusion and uproar.

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[73] Lit. washed.

[74] νάρδος.

[75] βάλσαμον.

[76] Or: plants.

[77] What Jōḥannān means here are the two baptismal catecheses by Johannes Chrysostom, namely *Catecheses ad illuminandos*, PG XLIX, col. 223ff.; cf. ʿAbdīšōʿ, *Catalogus librorum omnium eccl.*, ed. Vööbus.

[78] The text has ܫܡܥܢ̈ܐ which is a corruption of ܫܡܘ̈ܥܐ.

On the day after they shall come to holy baptism. First, the tall[79] ones shall stand at the door of the baptistery[80]. The first service of exorcism is made for them; the devil will be thrown behind the door. Then while reciting the confession of faith, they shall enter and go to the Jordan, that is the holy font of the baptism. They shall mingle the water. They shall consecrate the baptism and everyone shall be baptized according to his order (in line) with that one of which we spoke earlier above.

He who despises his companion shall be pushed back and expelled * from the church as a non-believer; for the power and the gift of the first and last is the same. * p. 246

The laver must be large and the water abundant so that the head of the baptized can be plunged according to the rite[81]. It shall be in the center of the northern side of the church but not at the wall.

He who keeps attentively (these canons) shall be kept, and he who despises (them) will be condemned.

Canon 25. However, regarding children of the Mohammedans[82] we command with precaution. We tell you by the commandment of the apostles that the priests are not allowed by God to baptize them together with the children of the believers in our holy laver. But another baptism shall (be prepared) apart on another day, whether before or after, with plain water.

Only the service of penance will be (said) for them. This, however, (contains) a cycle[83] (of hymns), an anthem[84], a chant[85] of the penance, etc. Let the priests baptize the sons of the Arabs saying as follows: "This N.N. is baptized in the name of the Lord in that baptism of John for the remission of sins. Amen". He shall be anointed with plain oil.

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[79] Or: the old ones.

[80] Lit. baptism.

[81] τάξις.

[82] Lit. traitors.

[83] κυκλίον.

[84] ܣܕܪܐ a chant, anthem.

[85] ܩܠܐ an anthem, chant.

There is absolutely no permission from God to any believer to take for him a sponsor, that is a godparent, (who is) a non-believer. Also not to tie the crown (of marriage) with him in a wedding feast. The sponsor, however, shall be a believer and must know that he is obliged to teach him the spiritual teaching, the true faith, the observation of the dominical commands. The reason is that he is his sponsor—the priest is his sponsor before God. He shall have his eye continuously upon him and take care of the growth in the fear of God until the death of one of them.

It is not allowed by God to place the candidates on the cross or on the urns[86] of the saints but a true believer has to take him.

* p. 247 * And a male shall not take the female ones nor shall the female take the males.

He who despises these (rules) shall be excommunicated and thrown out of the church.

Canon 26. It is right for the bishop to admonish the people continuously according to the commandment of the holy apostles so that they will take pains with their believing children in great diligence.

When they are young they should teach them first our Syriac language and the order[87] of the prayer and that which is right since their childhood. They should accustom them to the appointed fastings and shall persevere in the holy church. After instruction in the Syriac language, they shall teach them useful workmanship so that they do not abandon themselves to an amusement and idleness generating the tricks and corrupt manners of licentiousness.

And they shall betroth them with girls when the boys are fifteen years old. The virgins shall be betrothed with boys, (provided) they are twelve years of age according to the apostolic commandment that is set[88].

And if they let their boys pass beyond the age of fifteen years of age until twenty years and do not betroth them, it shall be determined about them and about those who have the authority over them in regard to fasting and *nāzīrūtā* until they betroth them or until they shall send them into a monastery.

If, however, they resist and do not obey, they shall be expelled from the church until they obey.

Canon 27. Again the holy fathers have set up (the rule) that the believers are not allowed to behave according to pagan customs and to lament over their dead ones like those who have no hope of the resurrection.

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[86] γοῦρνα.

[87] τάξις.

[88] Lit. said.

They shall not dance for them at all—for they shall then become dust, demons[89] and the moth, and (further) the living ones are insufficient and cannot help the dead ones. They, however, shall give to the needy and the poor for the sake of the dead one. And there shall be the oblation for him, prayers, love feasts, vigils by the holy and the needy priests, and alms for their souls as one who loves the Lord and leaves the deceased ones in rest.

He who trespasses these (regulations) shall be thrown out of the church without further ado[90].

* Canon 28. Likewise, also regarding the wedding feasts, banquets, betrothals and birthdays. * p. 248

We all, the venerable ones, determined by the frightful word of God that there shall be for these no great supplies[91], expenditures, and expenses such as the pagan customs (incur) and extension for many days in the wedding feasts. However, on the third day the wedding feast shall be absolved and everybody shall go to his work.

The daughters of the believers shall not be seen by anyone at their wedding feasts at all.

The blessing of the rings shall not occur before the wedding feast.

There shall be no liberty[92] for the bridegroom in the house of the father-in-law at all.

Also, there shall be no legitimate blessing after eating and drinking at all, and drinking, drunkenness and customs of licentiousness.

But it is right that the priest who blesses the crowns shall fast. And if there are many priests blessing the bridegroom in the early morning in the church—this is very suitable. If they leave it to the evening according to custom, the legitimate wedding benediction—as is the custom, first, the priests who bless the crowns, must fast until after the (nuptial) benediction. The bridegroom and his sponsor, the bride and her sponsor with her (also) fasting.

The benediction shall be done only in the church.

After the benediction, the bride goes with her company to her banqueting room and bridal chamber. The bridegroom shall go to the wedding feast and his table companions and guests.

[89] The text reads; it may be a corruption.

[90] Lit. without a cause or word.

[91] Or: expenses.

[92] παῤῥησία.

He shall not be defiled during this night with his bride—not that there is impurity this night until the following evening—but because of respect for the living words that have been read to them from the Old and New (Testament), they will keep themselves in purity and holiness like true believers until the evening and the sunset; (only) then may he unite with his wife, i.e., he shall have sexual intercourse according to the custom of the true believers in this tradition by the holy priests who admonish the bridegroom in the legitimate blessing. And they * p. 249 anticipate and command the bridegroom and the bride with * all that has been commanded on them in caution, in the humility that is proper for believers.

It is not right to have the blessing of the bridegroom and the bride after the week of the Niniveh, and not after the new Sunday until Pentecost, except only in the week of the white (Sunday) when the holy priests bless the crowns.

He who dares to trespass (these regulations) and treads on them shall be expelled from the church and shall be held in contempt and excommunicated through the dominical anathema.

Canon 29. A widowed deacon, if he has children, and cannot endure the fervor and impetuosity of his youth and the desire for her[93]—that animal innate in him—and does not go out into a monastery and cannot keep himself in purity and takes a wife, by the commandment he shall be suspended from the service of the altar and shall not ascend it at all. And he shall not come near to the censer, according to the custom of the deacons, when in the church during the service and in the company (of worshippers).

According to his diligence he shall be honored. If he is needy, he will take his lot from the church as before. He (also) will receive his honorarium from the dead, etc., and he shall pray for him[94]. He shall also take his part in the vigil if he asks for it. He must always be in repentance.

But when he dies, he shall receive the funeral of the layman not the funeral of the deacons and priests.

Similarly if a widow of a deacon is young and cannot endure and gives herself to a man according to her will. If she is old and needy, she shall be supported from the church and the believers.

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[93] I.e. for a wife.

[94] Namely for the dead one.

A *bart qeyāmā*[95] of a presbyter who dies is absolutely not allowed from God that she may have this in mind and enter second marriage after her widowhood from a priest—because she is a spiritual mother to all the believers, nor is a nun who has fallen away allowed by dominical commandment from the apostles to enter marriage. Henceforth just as it is absolutely not allowed from God for widowed priests to enter the (second) marriage, so, too, is a *bart qeyāmā*, not allowed to marry for the second time at all. On this, the apostolic canon says: * he who betrothes a *bart qeyāmā* or a nun, shall be excommunicated * p. 250 from the entire universal church.

Canon 30. The widowed presbyters, if they are young and have not many small sons or daughters, shall go into a monastery according to the ecclesiastical canons.

If they have sons and there is a necessity, and they cannot go into a monastery, they shall abstain from wine and meat and all defilement, i.e., the *ṭūrāšā*[96].

If they shall not do this, they shall cease from the priesthood entirely until they do one of these regulations.

Canon 31. It is right for Christians that they should remain in peace towards one another and towards everyone. If, however, they shall have (a cause of) judgment with someone, they shall be judged before the members of the church as the blessed Paul commands[97].

The one who seeks justice with outsiders shall be expelled from the church for one year and he shall perform penance.

A bishop or a priest who favors him shall be condemned in the tribunal and both of them shall be deposed[98].

Canon 32. It is not allowed Christians to seek refuge among the rulers who are outside and to put pressure in this way upon the bishop. not in regard to the laying on of hands and not in regard to the dissolution of the canons nor because of some other petition so that he shall be under force.

He who dares to do to his bishop (things) such as these—our entire holy synod has determined that he is anathematized. He shall be expelled and removed[99] from the church—and interdicted. No one is allowed to receive him until he repents before the synod and confesses his sins and offers a genuine repentance.

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[95] Here the term ܒܪܬ ܩܝܡܐ refers to priest's wife.

[96] ܛܘܪܫܐ food which was forbidden during a fast.

[97] I Cor. VI, 1 ff.

[98] καθαιρεῖν.

[99] Or: exiled.

Canon 33. The holy apostles and many fathers have often commanded and warned that no one shall revile the king at all and mention him in any evil way; also not to oppose the rulers nor to act treacherously against the governors and not to rise against any man at all.

* p. 251 So then we declare[100], through the frightful word of God * that he who is found in these (affairs) to exalt himself whether by (plotting) against the ruler or by being associated with one (who plots) against the governors and the authorities in whatever manner, he shall be removed and shall be held in contempt by the church until he shall repent thoroughly.

[Canon] 34. The apostles and the teachers have determined that the Christians shall stand in good order in the church of God and in fear and in trembling and must know before whom they stand and from whom they ask petitions and, indeed, to whom they pray.

Finally, they are not allowed by God to talk and discuss at all, not a word of profit nor of harm within the church during the prayers, not at all in order not to anger God over them. Standing during the reading of the holy Scriptures, they shall harken to them diligently. He who is weak in illness or in old age may sit during the time of the reading. When, however, the holy Gospel is read, everybody shall stand in fear bowing his head as he holds his hands on the breast and shall not talk with anybody at all—all the members of the church, bishops, presbyters, deacons, and all the people.

Throughout all the service, the faces of all of them shall be towards the east, the priests and those of the people, because this is not the time that they should talk to one another, discuss and beckon. Everybody, however, must gaze towards God in fear and trembling, waiting for mercy, being attentive and beseeching.

If the church is narrow and there is no possibility of the entire congregation to stand with their faces towards the east, the clergy by all means shall stand with their faces looking towards the east. Some of them shall stand on the side of the north and (others) from the south, and their faces towards one another and not towards the people.

At the moment of the offering, the Apostle shall by all means[101] be read before the Gospel[102]. If there is no other deacon there or a presbyter, the presbyter who offers shall (read) the Apostle and afterwards the Gospel.

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[100] Lit. say.

[101] πόρος.

[102] εὐαγγέλιον.

He who disregards this, shall be condemned.

[Canon] 35. Peter the apostle and his companions have determined * that the gift of the priesthood of God shall not be conferred for money * p. 252 by the sacerdotal orders of our ecclesiastical priesthood at all[103].

Therefore, he who employs the laying on of hands of the priesthood for gold or silver, (both) the receiver and the donor are entirely rejected.

There shall be a simple table for the bishop and clergy only—as far as it is possible.

If there is want and he has nothing at all, it is rather they who must supply his need. When a parish is given to a presbyter, or a reception is given in an important church where there are clergy according to the custom of that place, it shall be without avidity and prejudice regarding appearance[104].

He who commits wrong on these (matters) or who drives anyone away from the laying on of hands for (having demanded) a gift or he who presents one who is not worthy likewise for a gift, is rejected from the entire church and its mysteries.

[Canon] 36. Because, regarding the inheritances[105] of a man who is deprived of a wife and many sons, there continuously happen strifes involving secular lawsuits, we declare[106] by the frightful word of God that he who is bereaved of wife and sons shall, when he becomes sick, make himself a will[107] before honorable witnesses, prudent persons. It is to be kept as long as he has his senses and comprehension. It shall be sealed and kept. If God so orders through death, he is freed from blame. He is buried as are the rest of the believers.

If, however, he neglects this also and does not make a will, on account of which there are conflicts after him and many are calumninated through suspicion, he shall not be followed (in a funeral procession) or buried as a believer and he shall not be signed with the sign of the cross on his breast with the blessed dust as is the custom of the funeral.

So then, everybody shall hear this and fear; when he becomes ill, he shall thus make for himself a will. And next he shall confess his sins.

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[103] Cf. Acts VIII, 18ff.

[104] Or: dissimulation, hypocrisy.

[105] Lit. portions.

[106] Lit. we say.

[107] διαθήκη.

[Canon] 37. The holy apostles and the holy prophets have often admonished us regarding usury and have ordered that none of the members of the church shall employ it.

Even for non-believers, usury is very contemptible—so then how right is it for believers that they be beware of it. The presbyters, however, with the deacons or the believers shall not employ it at all.

* p. 253 * If someone of the priestly rank is found to give his money for usury or of prepayment[108] which is called by some *sūlfā*[109], at more than the (regular) price of the buying and the sale, if he shall do this, he shall fall away entirely from his service. (This is) until he turns from this evil and returns to the owners everything he took above that which was proper, and promises that he shall not return to do this (sort of thing again).

[Canon] 38. The holy fathers have determined that the believers shall not be deprived of the reception of the holy mysteries in the last breathing, but that there shall be for him a *viaticum*[110] on the road to eternity.

Therefore, (there is) a commandment and canonically (established regulation) regarding the presbyter-*šabtāyā*[111] of the apse[112]. (This is) the sacristan[113] who keeps himself in watchful care by a continuous fast until evening for the sake of the communion of the sick, so that when they ask for the eucharist in the hour of death, he can celebrate[114] it (for them). The presbyter-*šabtāyā* shall be fasting, prepared and in the church for the mysteries for the reception of the sick, indeed, for every emergency that presents itself—until there will be another presbyter-hebdomadary. And he shall also fulfill this canon, and keep the succession of the fast until evening for the reception of the mysteries in the last breathing for the believing sick.

If, however, one has sinned and been evil like a (rude) man but has been in remorse and repentance and the time of his repentance has not yet come to an end, he shall obtain communion[115] immediately when he is dying. It is right that there shall be compassion on him by the priest and that he shall be worthy of the holy communion of the mysteries and that even (when) his talk is suddenly taken away. However, the priest must say to him what is necessary for the confession and he shall make a sign (indicating) that "I confess".

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[108] Or: bargain.

[109] The vocable ܒܣܘܠܦܘ is taken from the Arabic سلف.

[110] ܙܘܕ̈ܐ the provision, the last food.

[111] ܫܒܬܝܐ hebdomadary.

[112] κόνχη.

[113] The vocable ܩܘܢܟܝܐ is derived from κόνχη.

[114] Lit. breaks bread.

[115] Lit. he breaks (the bread).

If, however, he is impious, sick in his sins, and does not repent and suddenly the sickness of death reaches him, and his talk is taken away so that he cannot confess his sins and promise that if he would live he would make a complete penance, and on his bed cannot groan, weep, and be moved to regret—for one like that, * the reception of the holy mysteries is useless. Therefore, he does not deserve even a funeral procession and burial and prayers—except that the burial of an ass will be given to him, but, indeed, no funeral procession and the prayers of the priest, but corresponding to the faith and compassion of the members of his family and corresponding to the time and season, this administration shall be arranged. The mysteries shall not be given at all to one who in this way is evil and rebellious.

* p. 254

[Canon] 39. Regarding the regular alms, the first fruits of the priests and the sustenance of the churches and the monasteries.

All the nations which have been in the world from the beginning until our own day have orders and laws, and with great care keep their own sanctuaries, adorn and decorate them and have set apart regular alms, first fruits, and tithes for their priests. For the first nations divided all their labor each year into three parts; one for the necessary sustenance of their lives, the other for their ruler who shall give soldiers' pay[116], supplies and wages[117] to the fighting forces which stay on watch over the countries against the enemy, and another one to God—that from which to provide the sanctuaries, priests and the needy.

After these, then, the elect people of the sons of Israel arose. God commanded them through His holy mouth that they shall give the tithes, vows, and gifts to the priests from all their labor and their offerings and possessions each year, and first fruits and vows and the first born male, cattle and sheep, together with the rest of the sacrifices, offerings, the meal offering and the drink offering for the holy sanctuaries, the incense and oil for the candelabra.

Also the true Christians today do the same and in all the Occident they keep the same order[118] and customs; and all the Francs[119]—everyone whom we have found. Also the Armenians every year give alms to the priests together with the first fruit and many other things. That is to say, who then, indeed, are these our people of the Syrian Jacobites? Their faith is so very weak that they neglect their churches and priests on account of indigence.

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[116] ܐܢܘ̈ܢܣ, ἀννῶναι, annonae.

[117] ܐܦܣܘ̈ܢܝܬܐ, ὀψώνα.

* p. 255 * Canon 40. The blessed apostle Paul has said, and his companions too, that he maintained good behavior[120] towards those who are inside and outside[121].

Do not give cause to those who search for a cause, do not be a stumbling block to anyone at all. Be a good example and image for everyone, "so that they see your good works and glorify your Father who is in heaven"[122].

Because we, the venerable ones, have seen many complaints, odious and condemnable troubles because of the operation of Satan and many attribute ugly reports to the simple, unlearned and confused bishops because of their indiscretion of (the customs of) good behavior[123]. For this reason we have (thought it) good that we, the bishops on the synod, (decree) this last canon of warning to the simple bishops.

We order and determine unanimously by the frightful word of God that the bishop shall exercise great discretion in all his manners of life and habits, in his eating, drinking and conversation. He shall not have dealings with impudent persons, women and children. When it is necessary[124] that they must present themselves before him for necessary contests and affairs, two or three persons of presbyters and respectable men must be present with him. When he is in a town or in a village, he is not authorized to remain alone at all either by night or by day, but another person or two if possible must constantly be with him. His servants must be men advanced in years or holy monks—for his conversation and his consolation on whatever may happen. He shall absolutely not be served by a *bart qeyāmā*[125] or by a nun or by children, etc.[126]

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[118] τάξις.

[119] The text reads wrongly ܦܪ̈ܙܢܣܝܐ which should be ܦܪ̈ܢܓܝܐ, i.e. the Latins.

[120] σχῆμα.

[121] Cf. Titus III, 2; II Tim. II, 24.

[122] Matth. V, 16.

[123] σχῆμα.

[124] ἀνάγκη.

THE CONCLUSION OF THE CANONS AND ADMONITIONS

We determine and decree, we, all the bishops, and the synod that has been gathered with the feeble and weak, the old and the long-lived, blessed Mār Jōḥannān 'Ūrhāyā, bishop of the priestly monastery of Mār Ḥanānyā and of the town of Mardē, by the frightful word of God * under which the heaven and the earth tremble—that * p. 256 for the renewing of the church every year in the *Tešrīs*[127], these canons shall be read before the people. (This takes place) while all are gathered in the church and they shall hear the canons, and they shall renew these canons by the renewing of the church.

There is no authority from God that bishops or priests or deacons may neglect them and leave them without reading.

Whoever does not observe them will be condemned[128].

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[125] ܒܪܬ ܩܝܡܐ daughter of covenant, a female ascetic.

[126] It is necessary to add a word about the importance of this collection of canons. The sources which we had at our disposal are completely silent about Jōḥannān's endeavors in creating, nurturing and nursing the fresh life in the newly restored and erected sanctuaries. In this respect the document which has emerged is particularly welcome since it for the first time puts flesh and blood upon the dry skeleton of topographical notes about new churches, chapels and sanctuaries. New perspectives are opened and we are allowed to see how the work of restoration really was carried out. For the first time a period which is a very significant epoch in the history of this historically important region receives enlightenment.

[127] The month of October and November.

[128] Our document has been preserved also by another witness in Ms. Mard. Orth. 176, fol. 143a-151b which belongs to the 15th cent. Not all the canons have been included here but a selection, namely can. 2, 1, 3-5, 13, 15-16, 18-27 and 37-40. Fortunately, this manuscript allows us to recover some canons which have been lost in the present manuscript, namely can. 13 (the end) and 15 and 16. Ms. Mosul Orth. 187, fol. 68a-73a, written in 1921 A.D., is a copy of the preceding codex. The text of the canons is extant also in Ms. Mardin Orth. 323, fol. 82a-101a, and Ms. Mardin Orth. 327, fol. 172a-181b.

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